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# RAJASTHAN RULES COMPENDIUM

( IN 16 VOLUMES )  
( 1949 TO 1967 )



*By*  
**VYAS & BAFNA**



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# RAJASTHAN RULES COMPENDIUM

( 1949 to 1967 )

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*Rules and Notifications under*

COLONISATION ACT, 1954. THE RAJASTHAN  
( 27 OF 1954 )

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# Bhakra Project Gadoliya Lohars (Allotment of Government Lands) Rules, 1955

## NOTIFICATION.

Jaipur, December 21, 1955.

No. D. 17558 F. 6 (233) Rev. B/55.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act, XXVII of 1954), the State Government is pleased to make the following rules:—

1. *Short title and commencement.*—(1) These rules may be called the “Bhakra Project Gadoliya Lohars (Allotment of Government Lands) Rules, 1955”.

(2) They shall come into force from the date of their publication in the Rajasthan Gazette.

(3) They shall apply only to Government land commanded by the Bhakra Project Canals and reserved for allotment to Gadoliya Lohars.

### Notes

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act.

These rules are meant for allotment of Government Lands to Gadoliya Lohars in Bhakra Project.

2. *Interpretation.*—In these rules, unless there is anything to the contrary in the subject or context:—

(i) “Act” means the Rajasthan Colonisation Act, 1954, (Rajasthan Act XXVII of 1954).

(ii) “Allotting authority” means the Director of Colonisation, Bhakra Project.

(iii) “Colony Tehsildar” means an officer appointed as Tehsildar in the Colonisation Department.

(iv) “Commanded land” means land shown as such by the Irrigation Department in their Command statements of Chaks or Canals.

(v) “Gadoliya Lohars” means the class of Lohars who left Chittor under a vow not to settle down at any one place and who are still continuing to live a nomadic life moving in their carts from one place to another from time to time and who have not permanently settled down in normal domestic life in any village or town.

(vi) “Government land” means and includes all unoccupied lands, common villages lands and lands held under temporary cultivation leases or leases granted for any specific period or under any specific conditions if such period of lease has expired or its conditions have not been duly fulfilled.

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These rules have been first published in Rajasthan Raj-patra Dated December 31, 1955 in part IV (c) at page 761.

3. *Power of Government to select an allottee.*—No person shall be entitled as of right to an allotment of any land under these rules and the Government of Rajasthan hereby reserves to itself and retains absolute discretion in the selection of an allottee under these rules.

4. *Conditions of allotment.*—(i) All allotments of Government lands under these rules shall be on Ghair Khatedari tenancy with a right to ultimate conferment of Khatedari rights and, unless otherwise stated, all allotments so made shall be subject to the terms and conditions prescribed under the Rajasthan Colonisation (General Colony) Conditions, 1955;

(ii) All allottees shall pay in full the price of Government lands as may be fixed by the Government from time to time for allotment to landless tenants, provided that they shall not be called upon to pay any earnest money before allotment of lands but shall pay the price of the land in yearly or half yearly instalments in such number of years as the Government may from time to time direct.

5. *Eligibility for allotment.*—Only such families of Gadoliya Lohars as are roaming about in Rajasthan shall be allotted lands under these rules and amongst them also priority shall be given to such families as are roaming about in Bikaner Division.

6. *Extent of allotment.*—(i) An area of 25 bighas (one Murraba) of commanded land shall be allotted to each family of Gadoliya Lohars.

*Note.*—For purposes of this rule one bigha of commanded and irrigable land shall be deemed to be equivalent to 3 bighas of uncommanded and Barani land.

(ii) Where there are more than one applicant for the same land, it shall be allotted by auction to the highest bidder.

*Note.*—The auction shall be for the premium to be paid over and above the price and instalments fixed and the bid amount of premium will be liable to be paid down in cash immediately the auction is sanctioned in favour of the bidder. No person will be allowed to bid unless he has deposited Rs. 5/- per bigha as earnest money for honouring his bids.

7. *Contents of application for allotment.*—(i) A family of Gadoliya Lohars applying for allotment of Government land shall be required to file with his application an affidavit duly certified by a Magistrate or an Oath-Commissioner giving true information therein on the following points.

(a) Place or places where they have been roaming or camping during the last one year.

*Explanation.*—For purposes of this clause if a family has stayed in any one village for a period of more than 6 months continuously it shall be deemed to have camped at that village; but if it has not continuously stayed for any such period at any one village and has been roaming about

from place to place from time to time, it shall be deemed to have roamed in that area.

(b) Whether the family is landless tenant or whether the head of the family or any member thereof has in his name any tenure khata of land held under proprietary, Mauroosie or Khatedari rights in the village or at any other place. In the latter case the class of land (i.e. Irrigated or Barani) its area, tenure, and place of its location shall be specified in detail.

8. *Procedure for allotment* —(i) In order to ensure that only such families are allotted lands as are roaming about in Rajasthan or in the Bikaner Division, all applicants shall be required to produce a certificate thereof from the Panchayat in whose jurisdiction they have camped during the last one year or from three of such Panchayats in whose jurisdiction they have roamed during the said period.

(ii) Applications for allotment of land shall be made to the Colony Tehsildar who, after due scrutiny of the applications and after taking such further evidence as he may deem necessary to satisfy himself that the applicants have been roaming about or camping in Rajasthan or in the Bikaner Division, as the case may be, will submit them to the allotting authority with his recommendation.

9. *Application of provisions of Rajasthan Colonisation (General Colony) Conditions 1955.*—All allotments of Government lands made under these rules shall be subject to the provisions of the Rajasthan Colonisation (General Colony) Conditions, 1955, so far as they are applicable thereto and save in so far as they are inconsistent with or have been expressly modified, abrogated or supplemented by these rules.

By Order of

His Highness the Rajpranukh,

P. N. KAUL,

Secretary to the Government.

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# Bhakra Project Ex-Military Personnel (Allotment of Govt. Lands) Rules, 1955

## REVENUE DEPARTMENT NOTIFICATION

Jaipur, October 11, 1955.

*Subject* — Bhakra Project Ex-Military Personnel (Allotment of Government Lands) Rules, 1955.

*No. F. 6 (48) Rev. II/54.*—In exercise of the powers conferred by section 28 of the Rajasthan Colonization Act, 1954 (Rajasthan Act No. XXVII of 1954), the Government of Rajasthan is pleased to make the following rules:—

1. *Short title and commencement.*—(1) The rules may be called the Bhakra Project Ex Military Personnel (Allotment of Government Lands) Rules, 1955.

(2) They shall come into force on the date of their publication in the Rajasthan Gazette.

*Notes.*

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act.

These rules are meant for allotment of Government Lands to Ex-Military Personnel in Bhakra-Project.

2. *Application of rules* — These rules shall apply only to the Government lands irrigated by the Bhakra Project canals and reserved for allotment to the Ex Military personnel.

3. *Definition.*—‘Ex Military personnel’ shall mean such personnel of the Indian forces or of the forces of any of the former Covenanted States of Rajasthan who have been discharged on or before first April, 1952 [and who were residents of Rajasthan before their discharge.]

4. *Allotment to a Co-operative Society only* — Allotment of Government land under these rules shall be made only to a Co-operative Society formed by the Ex-Military personnel and registered under the Rajasthan Co-operative Society Act, 1953 (IV of 1953).

5. *Disqualification of allotment* — No allotment shall be made under these rules if any member of the said society is already in possession of any land at any place, whether in his personal capacity or as an ex-military personnel or who has been given any other aid, in cash or otherwise, by the Post war Reconstruction Administration.

6. *Procedure of allotment.*—(1) An application for allotment of land under these rules by any Co-operative Society of Ex-Military

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*These rules have been first published in Rajasthan Raj-patra Dated November 5, 1955 in part IV (c) at page 411.*

personnel shall be made to Director of Colonisation Hanumangarh along with the following documents:—

(a) A certificate of its registration from the Registrar, Co-operative Societies, Rajasthan; and

(b) Affidavit—Verified by any first Class Magistrate;

(c) The Secretary, Post War Reconstruction Fund Committee, Jaipur, shall certify that no member of the society has received any aid from the Administration and that the members are duly qualified for allotment of land under these rules.

7. *Extent of allotment.*—(1) Allotment shall be made under these rules to each Co-operative Society in one block at the rate of 25 Bighas (or one Murabba) per member thereof, and not less than 250 Bighas to a society.

(2) Lands to be reserved for inter and intra village roads and lands to be occupied by water courses shall be included in the area to be allotted to a society while lands to be reserved for new Chak, Abadies, common village pastures, village forests, cremation grounds and other places of public utility shall be excluded therefrom.

8. *Conditions of allotment.*—(1) The conditions laid down in the "Statement of General Colony Conditions, 1955" made under section 7 of the Rajasthan Colonization Act, 1954, in so far as they are not inconsistent with these rules, shall also apply to the allotments made under these rules.

(2) No Co-operative Society of Ex-Military personnel or any member thereof shall alienate in any manner any part of the land allotted to the society to any other society or to any of its own members or to any other person within a period of 15 years from the date of allotment.

9. *Breach of conditions.*—The society as well as all individual members thereof shall be jointly and severally responsible for due observance of these rules as well as of the conditions contained in the "Statement of General Colony Conditions, 1955" made under section 7 of the Rajasthan Colonization Act, 1954 and any breach thereof shall be deemed to be a breach of the conditions of allotment to the society and the society as well as all members thereof shall be liable, jointly and severally, to the penalties prescribed for such breach.

By order of  
His Highness the Rajpramukh,  
P. N. KAUL,  
Secretary to the Government.

# The Rajasthan Colonisation (Bhakra Project Govt. Lands Allotment & Sale) Rules, 1955.

Revenue Department

## NOTIFICATION

Jaipur, December 15, 1955.

### *Preamble.*

No. F. 6 (77) Rev. B/54 —In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the Government of Rajasthan is pleased to make the following Rules :-

### *Notes.*

These rules have been framed in exercise of powers conferred by section 28 of the Rajasthan colonisation Act, 1954. Section 28 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act.

1. *Short title and Commencement.*—(1) These rules may be called the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955.

### *Notes.*

The words "And Sale" have been added through notification No. F. 6 (77) Rev. I/54 dated 5-10-57, first published in Rajasthan Rajpatra part IV (c) dated 24-10-57.

(2) They extend to whole of the area to be irrigated by Bhakra Project canals consisting of the villages given in the Schedule annexed hereto.

(3) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Interpretation.*—In these rules, unless there is anything to the contrary in the subject or context :-

(i) "Act" means the Rajasthan Colonisation Act, 1954, (Rajasthan Act XXVII of 1954).

(ii) "Allotting authority" means the Collector as defined in section 2 (i) of the Act.

(iii) "Colony Tehsildar" means an officer appointed as a Tehsildar in the Colonisation Department.

(iii a) "Colony Naib-Tehsildar" means an officer appointed as Naib-Tehsildar in the Colonisation Department.

(iv) "Commanded land" means land shown as such by the Irrigation Department, in their command statement of any particular chak or canal.

(iv a) "Deputy Director of Colonisation" means an officer appointed as such in the Colonisation Department.

### *Notes.*

The definitions (iii a) & (iv a) have newly added vide amendments made through Notification No. F. 6 (77) Rev./B/55 dated 25-5-1956, published in Rajasthan Rajpatra, part IV (c) dated 23-6-56.

(v) "Government land" means and includes all unoccupied lands, common village lands held under temporary cultivation leases or leases granted for any specific period or under any specific condition if such period of lease has expired or its conditions have not been duly fulfilled [and all such lands of



the resumed Jagir Villages or resumed Zamindari & Biswedari estates on which no Morusie or Khatedari rights have been conferred on any tenant and which have been entered in Khatooni Paimaish and other records of the last Settlement as "Arazi Maqbuza Jagirdar or Bhogtan" or as "Arazi Maqbuza Thikana] or Shamlat

*Notes.*

The words within brackets have been added through Notification number one of the appended list.

(vi) "Landless tenant" means a bonafide agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally and does not hold any land under Proprietary, Mauroosie or Khatedari rights in his own name or in the name of any member of his joint family and is not a sub-tenant of any landowner or land holder holding Khatas under Proprietary, Mauroosi or Khatedari tenures, not liable to ejectment under the provisions of the Rajasthan Tenancy Act, 1955 or of any law for the time being in force in the area in which the land is situated.

(vii) "Tenure land" means land held under Proprietary, Mauroosie or Khatedari rights and Khatas composed of such lands and a person holding land, under all or any of the aforesaid rights shall be termed as "tenure-khata" and "tenure-tenant" respectively.

(viii) "Temporary tenant" means a person holding Government land under a temporary cultivation lease sanctioned in his favour by a competent authority since before 31st December, 1952, [and shall in case of resumed Jagir Villages and resumed Zamindari & Biswedari estates means a tenant of land shown in the last settlement records as "Arazi Maqbuza Jagirdar or Bhogtan or Thikana" who has not been conferred Mauroosie or Khatedari rights thereon and whose possession on such land has been described in "Naqsha Tanqih Haquq Khatedari" of Misal bondobast of the said Settlement as that of "Ghair-Dakhikari" nature only].

*Notes.*

The words within brackets have been added through Notification number one of the appended list.

Words "or resumed Zamindari & Biswedari estates" in sub-rule (v) & (viii) of rule 2 and the words "Shamlat" at the end of sub-rule (v) of rule 2 have been inserted vide Irrigation Department Notification No. F. 7 (208) Irg./59 dated August 17, 1961.

**PART A—Allotment.**

*Notes.*

The above heading has been added vide Notification number six of the appended list.

3. *Terms of Allotment.*—(1) Allotments of Government lands under these rules shall be on permanent basis with a right of ultimate conferment of Khatedari rights and unless otherwise stated, all allotments so made shall be subject to the terms and conditions

prescribed under the concerned statements of conditions issued from time to time under section 7 of the Act for different classes of allotments or tenants

(2) (a) No person shall be entitled as of right to a grant or to become a tenant and the Government of Rajasthan hereby reserves to itself and retains absolute discretion in the selection of tenants for the land referred to in these rules.

(b) Notwithstanding anything in these rules, the Government reserves to itself the right of reserving any land for any specific purpose or for allotment to any class of persons or tenants.

4. *Cancellation of old leases.*—With effect from the date of commencement of these rules all under-mentioned classes of leases of Government land in the Project Area given before the said commencement shall be deemed to have been terminated and all lands leased out there-under shall revert to the Government with effect from 15th June, 1955:—

(1) All leases granted for purposes of temporary cultivation.

(2) All leases given under Grow More Food and Fodder campaign or for any other specific purpose, if their term has expired or the land granted has not been wholly cultivated or put to use to full extent for the specific purpose for which the lease was granted; and

(3) All leases sanctioned in favour of Co-operative Societies which have not been cultivated to full extent for the last three successive crops next preceeding 1st July, 1955.

5. *Procedure for Allotment.*—The allotting authority may, from time to time, fix such time and dates as it may deem proper during which it shall take up allotment of Government lands situated in the area or reserved for any specific purpose or class of persons or tenants and such dates may be different for different areas or different purposes or different classes of persons or tenants.

6. The allotting authority shall give public notice of the dates fixed by it under rule 5 in the following manner:—

(a) When the allotments are to be made to persons holding Government lands under temporary cultivation leases by serving a notice in Hindi on each individual tenant or, in case he is absent, by getting the notice pasted at the place where he resides or if he does not reside in the village by affixing a copy thereof at some public place of the village in which the land is situated.

(b) When the allotment is to be made to landless tenants of a village or of a particular area or for any specific purpose or to any particular class of persons or tenants:—

(i) By publishing a notice in Hindi therefor in the Rajasthan Gazette and in local newspapers, if any, having largest circulation in the area, and

(ii) By exhibiting at some public place, copies of the said notice in Hindi and, also so far as possible, by making an announcement thereof by beat of drum in the village or villages in which the lands to be allotted are situated.

7. Within one month from the date of the issue of a notice under rule 6, any person entitled to allotment of Government land on permanent basis under these rules may submit to the Colony Tesildar of the area an application in writing for such allotment and the Colony Tesildar shall, after making necessary enquiries as to the rights of the applicant for allotment under these rules, submit within one month from receipt thereof, all applications with his report on each of them to the allotting authority through the Deputy Director of Colonisation of the area concerned, [or such other officer as the Government or the allotting authority may, with the previous sanction of the Government, from time to time appoint in this behalf.]

*Notes.*

The words in the brackets have been added through Notification number one of the appended list.

7-A. *Rejection and appeal.*—The applications of persons not found eligible to allotment of land shall be rejected by the Deputy Director, Colonization. Any person aggrieved by an order of such officer may within 30 days of such order prefer an appeal to the Commissioner whose decision thereon shall be final.

*Notes.*

This rule has been newly added vide Notification number eleven of the appended list.

8. *Disclosure of certain information.*—(1) A person applying for allotment of Government land shall be required to file with his application an affidavit duly certified by a Magistrate or an Oath Commissioner giving true information therein on the following points:—

(a) Permanent place of his residence and the place where he [ordinarily] resides and earns his livelihood specifying the name of village, district and state;

(b) Whether he is a landless tenant or whether he or any member of his joint family has in his name a tenure-khata of land held under proprietary, mauroosie or Khatedari rights in the village or at any other place. In the latter case class of land (i.e. Irrigated or Barani) its area, class of tenure, and place of its location shall be specified in detail.

(2) A person claiming allotment of Government land on the basis of his being temporary cultivation lease holder thereof shall furnish the following additional information:—

(a) Full details of Government land held by him under temporary cultivation leases in the village or at any other place in [any State].

(b) Whether his temporary cultivation has been shifting, i.e. changing periodically from one land to another, or whether he has been cultivating the same land continuously and if so from what year; and

(c) Whether any specific entry has been made with regard to his lease in the Settlement records, such as [Ta-Ekhtetam] Bando-Bast" or "Chousala" etc

(3) A person claiming allotment of Government land on the strength of any special lease granted to him in the past (such as lease under Grow more Food Campaign or lease to a Co-operative Society of which he was a member) or under any other specific claim such as reservation of certain areas for specific purposes or for any particular class of persons or tenants, shall furnish full details of his lease claim together with certified copies of documents, if any, supporting his claims.

#### Notes.

The words within brackets have been subsequently substituted for the words "Originally", "the State", and "Ta-khatetan" respectively vide Notification number eleven of the appended list.

9. *Examination of Patels and Patwaries.*—For purposes of verifying the information furnished by the applicant and to ascertain whether or not he is landless tenant or he has any tenure land held under Khatedari, Maurosse, or Proprietary rights, at any place in the Project area or [any other place in Rajasthan] and whether or not he is a resident of any particular area, the allotting authority or the Colony Tehsildar [or Naib-Tehsildar duly authorised by the allotting authority in this behalf] may record statement on oath of any local Patel or Patwari of the village in which the applicant resides or cultivates any land or in which the land to be allotted is situated [or of any other person whose evidence is considered necessary.]

#### Notes.

The words "any other place in Rajasthan" within brackets have been substituted for the original words "outside" vide Notification number one of the appended list.

The other words within brackets have subsequently been added through the same Notification.

10. A joint family shall for the purposes of existing holdings and of allotment of land under these rules shall be deemed to be one person and dealt with accordingly [and all lands held jointly or severally by various members of the joint family under different Khatas of the same or different classes of tenures shall be deemed to be held by the whole family jointly.]

10-A. [When a Khata is held jointly by two or more persons, for purposes of computing areas held by each co-parcener or areas to the allotment of which each of them is eligible, such co-parcener shall be deemed to be in possession of such area, of the joint Khata only as falls to his share.]

11. Where both commanded and uncommanded or Barani lands are held by or allotted to the same person, bigha of commanded land shall for the purpose of determining the area so held or allotted, be deemed to be equivalent to three bighas of uncommanded or Barani land [Barani lands held outside the project area shall be taken into consideration while computing areas held by a person but no commanded land lying within the project area shall be exchanged or be allotted in exchange, for such Barani lands held outside the project area.]

*Notes.*

The words within brackets in rules 10 and 11 and the new rule 10. A. have been added through notification number one of the appended list.

12. While allotting Government lands as far as possible small blocks of lands scattered over the village will be first disposed of either to their present temporary cultivation lease holders of the same or adjoining villages or to other landless tenants and after these smaller blocks are disposed of allotment of lands of larger blocks will be next taken up in contiguity from one end of each block of Government land so that compact blocks of allotted and unallotted lands may be maintained and creation of pockets of allotted lands within blocks of unallotted lands and *vice versa* are, as far as possible, avoided.

13. *Persons eligible to allotment of Government lands.*—(1) Except in cases where any reservation has been made of Govt. land or lands for any specific purpose or for allotment to any particular class of persons or tenants and provided that the allottee is not otherwise disqualified under these rules for an allotment, in making allotment of Government lands preference shall be given to a person already cultivating Government lands personally under a temporary cultivation lease over a landless tenant.

(2) For purposes of fixing priority for allotment amongst landless tenants, the eligible allottees shall be categorised into the following three groups viz:—

GROUP A.

*Residing within the Commanded Area of the Project.*

- (a) Inhabitants of the village living therein since before 1947.
- (b) Inhabitants who settled permanently in the village in and after 1947.
- (c) Inhabitants of the adjoining villages living therein since before 1947.
- (d) Inhabitants of the adjoining villages who settled permanently in the said villages in and after 1947, "but before 31st December, 1952."
- (e) Inhabitants of other villages in the Tehsil living therein since before 1947.
- (f) Inhabitants of other villages in the Tehsil who settled therein permanently in or after 1947, but before 31st December, 1952."

- (g) Inhabitants of other Tehsils of the Bhakra Project area living therein since before 1947.
- (h) Inhabitants of the other Tehsils of the said Project area who settled therein permanently in or after 1947 "but before 31st December, 1952."

*Notes*

The above group A stands as substituted by Notification number three of the appended list. The words within inverted commas in the clausd (b), (f) and (h) have been added through Notification number eleven of the appended list.

**GROUP B.**

*Residing outside the Project Area.*

- (a) Inhabitants of the uncommanded areas of Tehsils Hanu-mangarh, Bhadra, Nohar and Suratgarh.

**GROUP C.**

*Residing in other parts of Rajasthan.*

- (a) Inhabitants of border area of Districts Bikaner and Churu upto a [15] mile depth from the fringe of the Project Area.
- (b) Inhabitants of other Tehsils of Bikaner, Churu and Ganganagar Districts, excluding villages commanded by Gang Irrigation System.
- (c) Landless tenants of other pressure areas of Rajasthan, and in making allotment of Government lands to landless tenants Group "A" shall receive priority over Group "B" Group "B" shall receive priority over Group "C" and within the groups themselves allotment shall be made in order of preference as set out serially in each group.
- (d) Inhabitants of Villages the area whereof is commanded by Gang Irrigation, System, "living therein since before 31st December, 1952."
- (e) Displaced persons residing in the project area since before 31st December, 1952.
- (f) other displaced persons residing in any place in Rajasthan who have been duly registered in Rajasthan.

*Notes*

The figure (15) has been substituted vide Notification number one of the appended list. The clauses (d), (e) and (f) have been newly added through Notification number. One of the appended list. The words in inverted commas appearing in clause (d) have been added vide Notification number 11 of the appended, list.

(3) Where there are more than one applicant of the same class for any land, it shall be allotted by auction to the highest bidder amongst all such applicants.

*Note.*—The auction shall be for the premium to be paid over and above the price and instalments fixed and the bid amount of premium will be liable to be paid down in cash immediately the auction is sanctioned in favour of the bidder. No person will be allowed to bid unless he has deposited Rs. 5/- per bigha as earnest money for honouring his bids.

14. *Persons not eligible to allotment of Government lands.*—No allotment of Government land shall be made to any of the following classes of tenants notwithstanding their being in possession of the land under a temporary cultivation lease:—

(i) A person who resides outside Rajasthan and has no agricultural land of his own in Rajasthan but who comes to Rajasthan from season to season simply for purposes of temporary cultivation of Government land or as subtenant of occupied land and then goes back to his own place of permanent residence.

(ii) A holder of temporary cultivation lease of Government lands who has either sub-let his lands [for more than one year during the period of such lease] or has not put them under plough and has kept them parat for the last three crops successively without sufficient reasons.

(iii) A sub-tenant of a landowner or a land holder holding tenure Khatas under proprietary, Mauroosie or Khateadari rights [who holds twenty five bighas or more of land in his sub-tenancy and is not liable to ejection from his sub-tenancy lands under the provisions of the Rajasthan Tenancy Act, 1955, or any other law for the time being in force in the area.

#### Notes

This rule originally consisted of clauses of which clauses (i) and (v) were omitted and remaining clauses were re-numbered as above (i), (ii) and (iii) vide Notification number one of the appended list.

The words within brackets in the above clause (ii) have been added vide Notification number seven of the appended list.

The words within brackets in the above clause (iii) stand as substituted by Notification number one of the appended list.

15. Displaced persons who are landless tenants, whether residing in the project area or at any other place in Rajasthan, if eligible for allotment of lands under these rules should, as far as possible be allotted evacuee lands available in the project area. Where such lands are not available, such displaced persons may, on production of a certificate of non-availability of evacuee lands duly issued by the Settlement Officer (Evacuee Property) Sri Gangunagar, be allotted lands out of Government lands in accordance with the order of priorities laid down in rule 13.

#### Notes

The above rule stands as substituted by Notification number one of the appended list.

16. *Extent of allotment.*—All Government lands in the Project area, whether unoccupied or resumed under rule 4, shall be allotted to the following different classes of tenants in the scales shown against them;

(1) Temporary tenants who are cultivating Government lands under temporary cultivation leases, irrespective of the fact that such leases have been renewed in the past from time to time, and who

held no tenure-lands in the own name or of any member of their joint family if any,

- (i) Those cultivating Government lands since before December, 31st, 1947. 50 bighas (two Murabbas) if the joint family consists of adult [male] members not exceeding five who have attained the age of 18 years and if the joint family consists of more than five adult [male] members an additional area of 15 Bighas per head may be allotted to the tenant for each of the additional adult male member of the family, who has attained the age of 18 years.
- (ii) Those cultivating Government lands since after 31st December 1947. 25 Bighas (one Murrabas) if the joint family consist of adult [male] members not exceeding three who have attained the age of 18 years and if the joint family consists of more than three adult [male] members an additional area of 15 Bighas per head may be allotted to the tenant for each of the additional adult male member of the family who has attained the age of 18 years.

(iii) When the allotment is made to the father of the joint family as a manager, the co-partners who separated after allotment but before 31st December, 1952 and have been cultivating the lease land severally since partition are eligible to allotment of land according to the following scale;—

- |            |   |
|------------|---|
| (a) Father | 50 bighas in case he is pre-1947 allottee |
| (b) Sons   | 25 bighas each:                           |

Provided that they shall not be allotted land in excess of the lease land actually held by them and proportionate reduction in the sons' holdings shall be made in case the father has more than 50 bighas of tenure land.

(2) Tenure tenants holding Khatas under proprietary, Maurusi; or Khatedari rights in their own name or of any member of their joint family—

- (i) In case of tenants whose family consists of not more than five adult male members, who have attained the age of 18 years—
- (a) If the area of tenure lands No Government land shall held by them or by members be allotted out of the area held of their joint family is 50 by them under temporary cultivation leases.  
Bighas or more.



- (b) If the area of tenure lands held by them or by members of their joint family is less than 50 Bighas. So much area of Govt. land [held by them on temporary lease] only as would bring up their lands to an aggregate of 50 Bighas (2 Murrabas) for both tenure as well as Government lands to be now allotted.

(ii) Where the joint family of a tenure tenant consists of more than five adult male members who have attained the age of 18 years, an additional area of 15 Bighas per head may be allotted to tenant for each of such additional members.

- (3) Landless tenants (other than displaced persons) who are agriculturists by profession and whose main stay of life is agriculture but who have no agricultural tenure or temporary cultivation lands in their own name or in the name of any member of their family and are cultivating lands under tenure tenants without having acquired any rights thereon as contemplated in clause (iii) of rule 14. 15 Bighas

- (4) Displaced persons who agriculturists by profession and whose main stay of life is agriculture but who have not been allotted any land out of evacuee property lands and in whose favour a nonabaility certificate has been issued as contemplated in rule 15. 15 Bighas

- (5) Sub-tenants holding less than 25 Bighas of sub-tenancy lands on which they have acquired a right and from which they are not liable to ejection as contemplated in clause (iii) of rule 14. So much area of Govt. land as would bring up the total area of their sub-tenancy lands and the Government land to be now allotted to an aggregate of 15 Bighas i. e. an area equal to the differ-

ence between 15 Bighas and the area of the sub-tenancy lands held by him.

- (6) Tenure tenants holding Khatas under proprietary Mauroosie or Khatedari rights who are left with less than 50 Bighas of land of their tenure Khata for Khudkashat purposes if their sub-tenants not liable to ejectment are allowed to retain lands of their sub-tenancy.

So much area of Govt. land as would render the area of his Khudkasht land equal to 25 Bighas or one Murraba i.e. an area equal to the difference between 25 Bighas and the area of Khudkasht land left with the tenure tenant.

- (7) Tenants of Barani lands of village of Bikaner and Churu Districts and Tehsils Hanumangarh, Nohar, Bhadra and Suratgarh of Sri Ganganagar District adjoining the Bhakra Project area lying within a depth of 15 miles from the fringe thereof provided that such villages do not fall within the expected irrigation zone of the Rajasthan Canal and if sufficient area is available for such allotment in the border area of the Project

15 Bighas (15 Killas)

*Explanation:—*The areas mentioned in this rule shall be of commanded and irrigable lands. Where the area held or to be allotted is uncommanded or Barani three Bighas thereof shall be reckoned equivalent to one Bigha of the commanded and irrigable area.

#### Notes

The above rule stands as substituted by the amending Notification number one of the appended list.

The word "Male" within brackets and clauses (i) and (ii) of sub-rule (i) have been added vide Notification number two of the appended list.

The clause (iii) sub-rule (2) has been added vide Notification number seven of the appended list.

The figures "25 Bighas (One Murraba)" were originally existing against the sub-rules (3), (4) and (5). Subsequent Notification number nine of the appended

list has provided for the omission of the words (One Murraba) and substitution of the figure 15 for the figure 25.

The words within brackets in of sub-clause (1) of sub-rule (2) has been added vide Notification number eleven of the appended list.

16A. (1) [Subject to the provisions of rule 14 (iii)] no person shall be allotted any land under rule 16 out of the Government lands held by him under a temporary cultivation lease if he has not been cultivating the lease land personally.

Provided that if a temporary tenant could not secure physical possession in time of the land temporarily allotted to him before the 31st of December, 1952, by a competent authority owing to any legal proceedings, obstruction or trespass by other persons or any other reason beyond his control but has subsequently obtained possession under the terms of the said allotment and since then has been cultivating it personally, shall be deemed to be cultivating the said land personally for the period of such dispossession.

(2) No Government land shall be allotted to any tenant or a family under rule 16 in excess of the Government land actually held by him under a temporary cultivation lease on 15th June, 1955:

Provided that no temporary [or tenure] tenant to whom land is allotted under sub-rule (1) & (2) of rule 16 shall be allotted less than 15 Bighas if Government land is available for the purpose in the village.

(3) where any tenant to whom Government land is to be allotted under rule 16 also holds any tenure or sub tenancy lands, no Government land shall be allotted to him under the rule 16 unless he agrees to consolidate them both in one block. This rule may, however, be relaxed if either, for purpose of such consolidation, no Government land is available in the vicinity of the tenure or sub-tenancy land held by the tenant or if the land available is in the opinion of the colony Tehsildar, of a much inferior quality than the land which he may have to vacate for the purpose.

#### Notes

This rule has been newly added by Notification number one of the appended list.

The words within brackets appearing in sub-rule (2) have been added by Notification number two of the appended list.

The Notification number two of the appended list substituted the words "One Murraba" for the original words "15 quilas" and figure "15" for the figure "25" the subsequent Notification number eleven of the appended list has provided for the re-substitution of the figure "25" and omission "One murraba". The sub-rule now, therefore, stands in its latest form. The proviso to sub-rule (1) has been added by Notification number three of the appended list. The words within brackets in sub-rule (1) have been added vide Notification number seven of the appended list.

16. B. (1) Where the tenant to whom a temporary cultivation lease was granted has died but his widow or daughters or male lineal descendants are in continuous possession thereof and have been cultivating it ever since the death of the said original tenant without getting the lease regranted in their favour, such widow or daughter or male lineal descendants of the deceased tenant shall

be deemed to be temporary cultivation lease holders of the land and allotment thereof shall be made in their favour in accordance with the provisions of rule 16.

(2) When the allotment was made to one of the brothers living jointly at the time of the allotment as Mukhia of the joint family and he dies issueless, the brothers of the deceased allottee who have been in continuous possession and been cultivating the land since the death of deceased allottee without getting the lease regranted in their favour shall be deemed to be the temporary cultivation lease holders of the land and allotment thereof shall be made in their favour in accordance with the provisions of rule 16."

*Notes*

This rule was introduced through Notification number one of the appended list. The above rule in the Present form stands substituted subsequently through Notification number seven of the appended list,

16. C. All partitions and alienations (including sales, gifts and grants of sub-tenancy in a manner as would create a tenure right in favour of the sub-tenant) affected after 31st December, 1952, and which tend to reduce the area of any tenure Khata, shall not be taken into consideration for purposes of rules 14 and 16 while computing the areas of tenure lands held by a temporary cultivation tenant or for determining his eligibility for allotment of Government lands held under a temporary cultivation lease computed as if no such alienations or partitions had taken place at all."

*Notes.*

This rule has been added vide Notification number one of the appended list.

17. *Fixation of prices.*—The State Government shall fix scales of prices which may be charged for Government lands allotted under these rules and such scales may be different for different areas or different kinds of land.

18. *Appeal.*—Any person aggrieved by an order of allotment made by the Alloting Authority may, within 30 days of the date of such order, appeal to the Commissioner, whose decision thereon shall be final.

*Notes.*

This rule has been added by Notification number four of the appended list. As Notification number four, numbered this rule wrongly as 17, the subsequent notification number five has provided for its correction and numbring as 18.

**PART-B—SALE**

*Notes.*

The above heading has been added vide Notification, number six of the appended list.

19. *Reservation of land for allotment and sale.*—Out of the total Government land available for disposal under these Rules, such percentage, if any, as the Government may decide may be reserved for allotment to Land less tenants and other persons eligible for allotment under Part A of these Rules, and the rest may be reserved for sale by public auction as provided in the succeeding rules:

Provided that the whole or part of the land so reserved for allotment to landless tenants may, with the prior sanction of the State Government by allotment to a co-operative society of such tenants.

*Notes.*

This rule was Originally introduced vide Notification number six and a proviso thereto was added by Notification number eight of the appended list. Both the notifications have been superseded vide Notification number ten of the appended list where by the rule in the existing form has been provided.

20. *Issue of notice of sale by auction.*—(a) The allotting authority shall issue a notice giving full details of the land to be sold by public auction, *viz.* number of the chak, number of the square or Kila and the date, time and place of auction.

(b) The notice shall be published in the official gazette, and it may also be published in any newspaper having its circulation in the locality. Copies of the notice shall also be posted on the notice-board of the allotting authority and at the headquarters of the Tehsil and at some place of public resort on or adjacent to the land to which it refers. The notice shall also be published by beat of drum on or near the land to which it refers.

21. *Officer conducting the auction.*—Sales by public auction under these rules shall be held by the allotting authority or by a gazetted officer appointed by him for the purpose with the approval of the State Government.

22. *Conditions of sale.*—The following shall be the conditions of sale under these Rules:—

(a) All land sold under these Rules shall be subject to the provisions of the Act and of the Rajasthan Colonisation (General Colony) Conditions, 1955 and of these Rules.

(b) Land may be put up for sale in one lot or in several lots or in lots other than those shown in the notice and the allotting authority shall be competent to withdraw any lot or lots from sale without assigning any reason.

(c) No land shall be put up for sale until the State Government has fixed a reserved price therefor. The sale price shall be the reserved price determined by the State Government or the price offered in open auction, whichever is higher.

(d) No person shall be allowed to bid unless he—

(i) deposits an earnest money amounting to five per cent of the total reserved price of each plot of land in each. This earnest money shall be refunded on the spot to the unsuccessful bidders at the conclusion of the auction;

(ii) signs a declaration before the officer conducting the auction that he does not hold any land in his own name or in the name of any member of the joint family or if he holds land the total area of the land already held and of the land that he wishes to purchase at the auction shall not exceed the area prescribed for the Tehsil concerned.

ned for purposes of clause (a) of section 180 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and that he undertakes to cultivate the land personally.

(e) No person shall, at any auction, retract his bid and if any dispute arises, the land shall be put up to auction again at the last undisputed bid.

(f) The highest acceptable offer shall be communicated to the State Government and the sale shall not be complete unless the offer is accepted by the State Government.

(g) The State Government reserves the right to reject any bid without assigning any reason there for or to withdraw any lots or plots from auction at any time without assigning any reason.

(h) A sum equivalent to twenty five percent of the purchase price shall have to be deposited in cash by the bidder whose bid is to be recommended to Government immediately at the conclusion of the bid and the balance must be paid in cash or by a demand draft or cheque drawn on a scheduled bank having its branch in Rajasthan within one month from the date of the communication to him of the confirmation of sale by the State Government.

(i) Should any purchaser fail to observe or comply with any of the foregoing conditions, his deposit shall be forfeited to the State Government, which may have the land resold by a public auction, and any deficiency of price which may result on such resale shall be made good and paid by the defaulting purchaser.

(j) If it is discovered at any time that the declaration referred to in clause (d) is false then the excess and if the purchaser fails to cultivate the land personally then the whole of the land sold may be resumed by the Government without payment of any compensation.

*Notes*

These rules have been newly added vide Notification number six of the appended list.

By Order of,  
His Highness the Rajpramukh,  
P. N. KAUL.  
*Secretary to the Government.*

## SCHEDULE

Alphabetical List of Villages of various Revenue Tehsils of Ganganagar District, Bikaner Division to which Rajasthan Bhakra Project (Government Lands) Allotment Rules, 1955, would apply.

(Vide sub-rule 2 of rule 1).

### REVENUE TEHSIL HANUMANGARH.

- |                             |                               |
|-----------------------------|-------------------------------|
| 1. Araiyanwali.             | 43. Dabli Bas Chaina.         |
| 2. Alipura.                 | 44. Dabli Bas Karim.          |
| 3. Amatpura Jalu.           | 45. Dabli Bas Fateh Mohammed. |
| 4. Amargarh.                | 46. Fatehgarh.                |
| 5. Bakshiwala.              | 47. Fatehpur Rohi.            |
| 6. Bas Naharsingh wala.     | 48. Fatehpur Nali.            |
| 7. Birgah Bachirag.         | 49. Fatehwala.                |
| 8. Bashir.                  | 50. Fazaldinwala.             |
| 9. Berwala.                 | 51. Fattu wala.               |
| 10. Birwala.                | 52. Gurusar.                  |
| 11. Basawasinghwala.        | 53. Guru Sahaimalwala.        |
| 12. Bhakranwali.            | 54. Gadhoi.                   |
| 13. Bolanwali.              | 55. Gudia.                    |
| 14. Buglanwali.             | 56. Gilwala.                  |
| 15. Bahrampura.             | 57. Gurusarwala.              |
| 16. Bhagatpura.             | 58. Gaddarkhera.              |
| 17. Bahlolnagar.            | 59. Harnarainwala.            |
| 18. Bhanewala.              | 60. Harisinghwala.            |
| 19. Banwala.                | 61. Hamir Khanwala.           |
| 20. Chandurwali.            | 62. Hathianwala.              |
| 21. Chandra.                | 63. Haripura.                 |
| 22. Chetnathwala.           | 64. Heera Singhwala.          |
| 23. Chhogmalwala.           | 65. Hiranwali.                |
| 24. Chak Dhol.              | 66. Imam Buxwala.             |
| 25. Chak Sonewala.          | 67. Inderpura.                |
| 26. Chhapawali.             | 68. Indergarh.                |
| 27. Chak Hari Ramwala.      | 69. Jwala Singhwala.          |
| 28. Chak Jahana.            | 70. Janglat Hanumangarh.      |
| 29. Chistiyan.              | 71. Jandwala Sikkhan.         |
| 30. Daulatpura.             | 72. Jandwali.                 |
| 31. Dabarwala.              | 73. Jorkiyan.                 |
| 32. Derewala.               | 74. Jhambarwala.              |
| 33. Daini Taraf-ki-Tailwala | 75. Jhambar Barani.           |
| 34. Dhintania.              | 76. Jalalabad.                |
| 35. Dholnagar.              | 77. Kohla.                    |
| 36. Dingarh.                | 78. Khara Khera.              |
| 37. Dhaban.                 | 79. Kulchandra.               |
| 38. Dholpal.                | 80. Kothi wala. (Makkasar).   |
| 39. Dabli Bas Chugatta.     | 81. Kikarwala.                |
| 40. Dabli Bas Shamlatwala.  | 82. Khunja.                   |
| 41. Dabli Bas Pema Rohi.    | 83. Khunja Birwala.           |
| 42. Dabli Bas Sardara.      | 84. Kothi wala (Dhala).       |

- |  |                                |
|--|--------------------------------|
| 85. Kamrani.                           | 132. Nathwana.                 |
| 86. Khudaiwala.                        | 133. Padampura.                |
| 87. Kishanpura.                        | 134. Pir Kamaria.              |
| 88. Kheruwala.                         | 135. Panniwali.                |
| 89. Kararwala.                         | 136. Premwala.                 |
| 90. Khat Sajwar.                       | 137. Phuldesar.                |
| 91. Kishangarh alias Chamar-<br>khera. | 138. Patli.                    |
| 92. Kishanpura Utrada.                 | 139. Pratapnagar.              |
| 93. Kilanwali.                         | 140. Pratappura.               |
| 94. Kikarwali.                         | 141. Padampura (Pargana Tibi). |
| 95. Karnisar.                          | 142. Pema Nali.                |
| 96. Kutab Barani.                      | 143. Pacca Sarnan.             |
| 97. Khanania.                          | 144. Pacca Bhadwan.            |
| 98. Kishanpura (Bechirag)              | 145. Ratanpura.                |
| 99. Lambi Dhab.                        | 146. Rorawali.                 |
| 100. Lilanwali.                        | 147. Ramsara Narain.           |
| 101. Lalpura.                          | 148. Rampura Bechirag.         |
| 102. Nagga Regarwala.                  | 149. Ratta Khara.              |
| 103. Munda.                            | 150. Rathi Khara.              |
| 104. Manak Tibi.                       | 151. Rasuwala.                 |
| 105. Malar Khara.                      | 152. Sherekan.                 |
| 106. Manksar.                          | 153. Salemgarh.                |
| 107. Muradwala.                        | 154. Sabuana.                  |
| 108. Makkasar Barani.                  | 155. Saharani.                 |
| 109. Molviwala Gadu.                   | 156. Surewala.                 |
| 110. Masani.                           | 157. Sarmukhwala.              |
| 111. Man Nathwala.                     | 158. Saliwali.                 |
| 112. Meharsinghwala.                   | 159. Shergarh.                 |
| 113. Manniwali.                        | 160. Samne-ki-Tail.            |
| 114. Morjand Sikkhan.                  | 161. Sarmukh Singhwala.        |
| 115. Mala Rampura.                     | 162. Saresia.                  |
| 116. Matili Sarnan.                    | 163. Silwala Khurd.            |
| 117. Matili Khicharan.                 | 164. Silwala Kalan.            |
| 118. Morjand Kharil.                   | 165. Silnathwala.              |
| 119. Manuka.                           | 166. Santpura.                 |
| 120. Midha Nali.                       | 167. Shahpini.                 |
| 121. Mohansinghwala.                   | 168. Singhpura.                |
| 122. Molviwala Dabli.                  | 169. Sunderpura.               |
| 123. Madha Rohi.                       | 170. Sehjipura.                |
| 124. Meharwala.                        | 171. Seduwala.                 |
| 125. Newan.                            | 172. Sheodanpura.              |
| 126. Nagrana.                          | 173. Sangaria.                 |
| 127. Manuwala.                         | 174. Tibi.                     |
| 128. Nizamwala.                        | 175. Talwara Kalan.            |
| 129. Nukera.                           | 176. Takhat Hazara.            |
| 130. Nurpura.                          | 177. Tailwala.                 |
| 131. Naraingarh.                       | 178. Udaiwala.                 |
|  | 179. Uttamsinghwala.           |



## REVENUE TEHSIL, SURATGARH.

- |                           |                        |
|---------------------------|------------------------|
| 1. Ahmadpura.             | 34. Karnisar.          |
| 2. Ayalki.                | 35. Karnisar Utrada.   |
| 3. Amarpura Jatan.        | 36. Kanpur.            |
| 4. Amarpura Rathan.       | 37. Kotha Khothanwali. |
| 5. Barekan.               | 38. Lakhwali.          |
| 6. Bir Dulmani.           | 39. Ludhana.           |
| 7. Bir Suratgarh          | 40. Lakhasar.          |
| 8. Baropal.               | 41. Longwala.          |
| 9. Bhagwāngarh.           | 42. Lakhmisar.         |
| 10. Bilochiyanwala.       | 43. Lalpura.           |
| 11. Bhagwansar.           | 44. Manak Tehri.       |
| 12. Bhagsar Khurd.        | 45. Manksar.           |
| 13. Bhagi Bandar.         | 46. Mohammedabad.      |
| 14. Bhaironpura.          | 47. Nihalpura Rohi.    |
| 15. Chak Nali Rampura.    | 48. Pilibangan.        |
| 16. Chak Nali Karnisar.   | 49. Prempara.          |
| 17. Chak Nali Bhagwansar. | 50. Rampura.           |
| 18. Dulmana.              | 51. Rangmahal.         |
| 19. Dulmani.              | 52. Rampura Sidhwa.    |
| 20. Deengwala.            | 53. Ramsara Jakhran.   |
| 21. Dhaban.               | 54. Suratgarh.         |
| 22. Dhirdesar.            | 55. Saramsar.          |
| 23. Goluwala Nawadan.     | 56. Sardarpura Bika.   |
| 24. Goluwala Siyagan.     | 57. Suranwali.         |
| 25. Govindgarh.           | 58. Sahuwala.          |
| 26. Gurusar Modia.        | 59. Singhpara.         |
| 27. Ghamandia.            | 60. Sangar.            |
| 28. Hansaliya.            | 61. Shivpara.          |
| 29. Hardayalpura.         | 62. Sardargarh.        |
| 30. Jorkiyan.             | 63. Sidhuwala.         |
| 31. Kalibangan.           | 64. Sadasinghwala.     |
| 32. Kharliyan.            | 65. Thirajwala.        |
| 33. Kanewala.             | 66. Umewala.           |

## REVENUE TEHSIL, NOHAR.

- |                     |                           |
|---------------------|---------------------------|
| 1. Barwali.         | 13. Gudia.                |
| 2. Bhukarka.        | 14. Jananiya.             |
| 3. Bar Birana.      | 15. Jasana.               |
| 4. Charanwasi.      | 16. Karoti.               |
| 5. Chak Sardarpura. | 17. Lalana Bas Nathwania. |
| 6. Diplana.         | 18. Lalana Bas Shivpara.  |
| 7. Dhandela.        | 19. Lalana Bas Utrada.    |
| 8. Dhaniaraiyan.    | 20. Malwani.              |
| 9. Dhani Lalkhan.   | 21. Nohar.                |
| 10. Dhilli Chaylan. | 22. Padampura.            |
| 11. Dhilli Jatan.   | 23. Parlika.              |
| 12. Gogameri.       | 24. Phephana.             |

- |                |                    |
|----------------|--------------------|
| 25. Pichkarai. | 29. Ratanpura.     |
| 26. Rajpura.   | 30. Soti Bari.     |
| 27. Ramgarh.   | 31. Soti Parihari. |
| 28. Ramsara.   | 32. Ujjalwas.      |

#### REVENUE TEHSIL, BHADRA.

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| 1. Amarpura Sardarpura Bas Bhola. | 28. Jogiwala.                     |
| 2. Amarpura.                      | 29. Khachwana.                    |
| 3. Barichhani.                    | 30. Karanpura.                    |
| 4. Beharipura.                    | 31. Lakhanwas.                    |
| 5. Ber.                           | 32. Malkhera.                     |
| 6. Bhadra.                        | 33. Mehrana.                      |
| 7. Bhairon Chhani.                | 34. Motipura.                     |
| 8. Bharwana.                      | 35. Munsari.                      |
| 9. Bhojasar.                      | 36. Ninan.                        |
| 10. Biran.                        | 37. Nithrana.                     |
| 11. Babalbas.                     | 38. Nangal.                       |
| 12. Bir Bhadra.                   | 39. Patwa.                        |
| 13. Bhirani.                      | 40. Rajpura.                      |
| 14. Chak Bhojasar.                | 41. Ramgarhia.                    |
| 15. Chak Chiriya Gandhi.          | 42. Ratanpura.                    |
| 16. Chiriya Gandhi.               | 43. Sagra.                        |
| 17. Dholpalia.                    | 44. Sardargarhia.                 |
| 18. Dobi.                         | 45. Sardarpura. Bas Bhadra.       |
| 19. Doongarwas.                   | 46. Sardarpura Bas Chiriya Gandhi |
| 20. Garhi Chhani.                 | 47. Sawai Chhani.                 |
| 21. Gandhi Bari.                  | 48. Shivpura.                     |
| 22. Ganeshpura.                   | 49. Sherpura.                     |
| 23. Ganga Singhpura.              | 50. Sikrori.                      |
| 24. Hathipura.                    | 51. Sahuwala.                     |
| 25. Janana.                       | 52. Suratpura.                    |
| 26. Jhansal.                      | 53. Udran.                        |
| 27. Johararpura.                  |                                   |

#### REVENUE TEHSIL, GANGANAGAR.

- |                          |                       |
|--------------------------|-----------------------|
| 1. Banwala.              | 13. Fatehsinghwala.   |
| 2. Budharwali.           | 14. Ganeshgarh.       |
| 3. Bhagsar.              | 15. Hakamabad.        |
| 4. Chak Bhagsar.         | 16. Jamiyatsinghwala. |
| 5. Chak Dulrasar.        | 17. Jogiwala.         |
| 6. Chak Dharamsinghwala. | 18. Lalgah.           |
| 7. Chak Kikarwala.       | 19. Mamarkhera.       |
| 8. Chak Kera.            | 20. Panniwali.        |
| 9. Dhalianwali.          | 21. Ratanwali.        |
| 10. Dulrasar.            | 22. Shyamsinghwala.   |
| 11. Duda Khichar.        | 23. Sardarpura.       |
| 12. Dungarsinghpura.     | 24. Takhranwali.      |

## REVENUE TEHSIL, PADAMPUR.

1. Narsinghpura.
2. Manjiwas.
3. Faridsar.

## REVENUE TEHSIL, ANOOPGARH.

1. Daultabad.
2. Hindo.

## ABSTRACT.

1. Revenue Tehsil, Hanumangarh	....	...	179 Villages.
2. Revenue Tehsil, Suratgarh	....	...	66 Villages.
3. Revenue Tehsil, Nohar	....	...	32 Villages.
4. Revenue Tehsil, Bhadra	....	...	53 Villages.
5. Revenue Tehsil, Ganganagar	....	...	24 Villages.
6. Revenue Tehsil, Padampura	....	...	3 Villages.
7. Revenue Tehsil, Anoopgarh	....	...	2 Villages.
TOTAL			<hr/> 359 Villages.

# The Rajasthan Colonisation (Bhakra Project Government Lands Allotment & Sale) Rules, 1955.

## LIST OF THE NOTIFICATIONS

No.	Notification No.	Date of Notification	Gazette Part	Date
1	2	3	4	5
1	F.6 (77) Rev/B/55	25/5/1956	IV (c)	23/6/56
2	F.6 (77) Rev/B/ 55	8/12/1956	IV (c)	20/12/56
3	F.6 (77) Rev./A/54	4/9/1957	IV (c)	26/9/57
4	F.6 (77) Rev/I/54	17/9/1957	IV (c)	3/10/57
5	F.6 (77) Rev/I/54	30/9/57	IV (c)	17/10/57
6	—do—	5/10/57	IV (c)	24/10/57
7	F.6 (77) Rev/II/54	29/11/57	IV (c)	12/12/57
8	F.6 (80) Rev/A/56	9/11/58	IV (c)	30/1/58
9	F.6 (77) Rev (A) B/54	25/1/58	IV (c)	29/5/58
10	F.6 (77) Rev/B/54	4/4/58	IV (c)	29/5/58
11	F.6 (77) Rev/B/57	21/5/58	IV (c)	31/7/58

## NOTIFICATIONS

*Jaipur, April 16, 1956.*

No. F. 6 (27) Rev. B/55.—In exercise of the powers conferred under Rule 17 of the Rajasthan Colonisation (Bhakra Project Government Lands Allotment) Rules, 1955 and in supersession of this Department Notification No. F. 26 (27) Rev.B/55, dated 17th December, 1955 (published in Rajasthan Rajpatra, dated 31 December, 1955) the Government of Rajasthan is pleased to fix the following scales of prices and the instalments thereof for sale or allotment of different kinds of Government lands in different area of the Bhakra Project:—

1. Price of Government lands are fixed as follows:—

Category	Class of soil	Price	
		Per Bigha Rs.	Per Murabba Rs.
I. Commanded Lands:—			
1. Nali Area:—			
(i) First Category	Area in Revenue Tehsil Hanumangarh which is commanded and irrigated by the old Northern and Southern Ghaggar Canals. (A list of lands falling under this category is given in the schedule appended hereto.)	400/-	10,000/-

- (ii) Second Category : All other Nali areas. 300/- 7,500/-
2. Loam and Light Loam : 280/- 7,000/-
3. Sandy Loam and Sandy 200/- 5,000/-
- II. Uncommanded areas : 50/- 1,250/-
- (1) No betterment fee will be charged on Government lands sold at above prices.
- (2) Where there are more than one applicants of the same class for any land, it shall be allotted by auction to highest bidder amongst all such applicants.

The auction shall be for the premium to be paid over and above the price. The whole of the bid amount of premium will be liable to be paid down in cash immediately the auction is sanctioned in favour of the bidder. No person will be allowed to bid unless he has deposited Rs. 5/- per bigha as earnest money for honouring his bids.

- (3) Temporary tenants who are in continuous (cultivatory) (vide notification at 29/11/57) possession of Government lands held by them under temporary cultivation leases since before Smt. 1985 in Khalsa villages and under Gair-Dakhalkari tenure since before Smt. 1981 in the resumed Jagir villages shall pay only betterment fee and no price for the first 25 bighas of Government land allotted to them. For lands allotted to them over and above the aforesaid 25 bighas full price as per scale prescribed above shall be charged.
- (4) In case land sold as uncommanded becomes commanded at any time subsequently it shall be liable to the levy of betterment fee; and in case any land sold as commanded is declared as uncommanded by the Irrigation Department before its price is fully paid up, the amount paid towards the payment of the price thereof as commanded land will be adjusted towards the price and instalments payable for it as an uncommanded land and any amount paid in excess thereof will be refunded to the allottee.

- II. The following annual instalments are fixed for the payment of the aforesaid prices per Murabba:—

#### Commanded Area

Year.....	Commanded Area				Uncommanded
	Nali		Loam and	Sandy Loam	area.
			light loam	and Sandy.	
	Nali area commanded and irrigated by old Northern and Southern Ghaggar Canals.	Other Nali area.			
1	2	3	4	5	6
1st	500/-	375/-	312/8/-	250/-	93/12/-
2nd	500/-	375/-	312/8/-	250/-	93/12/-
3rd	500/-	375/-	312/8/-	250/-	93/12/-
4th	500/-	375/-	312/8/-	250/-	93/12/-
5th	500/-	375/-	312/8/-	250/-	93/12/-
6th	750/-	562/8/-	562/8/-	375/-	93/12/-
7th	750/-	562/8/-	562/8/-	375/-	93/12/-
8th	750/-	562/8/-	562/8/-	375/-	93/12/-
9th	750/-	562/8/-	562/8/-	375/-	93/12/-
10th	750/-	562/8/-	562/8/-	375/-	93/12/-
11th	750/-	562/8/-	562/8/-	375/-	93/12/-
12th	750/-	562/8/-	562/8/-	375/-	93/12/-
13th	750/-	562/8/-	562/8/-	375/-	93/12/-
14th	750/-	562/8/-	562/8/-	375/-	93/12/-
15th	750/-	562/8/-	375/-	375/-	31/4/-
TOTAL...	10,000/-	7,500/-	7,000/-	5,000/-	1,250/-

(1) All annual instalments shall be liable to be paid by the allottee at the nearest Sub-Treasury on or before 15th July, and a final interest at 6% shall be charged on instalments not paid falling into arrears on that date. The allottee will, however, have an option to pay of his annual instalments in two equal instalments during Kharif and Rabi crops on or before 15th January and 15th July.

(2) The following rates of rebate shall be allowed on advance payments made by an allottee:—

- |   |     |     |     |     |     |
|---|-----|-----|-----|-----|-----|
| (a) If the whole price or instalments of not less than 8 years all are paid in a lump sum at any time         | ... | ... | ... | ... | 6%  |
| (b) If annual instalments of two or more years, but of less than 8 years are paid in lump sum at any one time | ... | ... | ... | ... | 3½% |
| (c) If any one year's instalment is paid on or before 15th January  | ... | ... | ... | ... | 2½% |

III. All allottees, other than persons already holding Government lands under temporary cultivation leases and those to whom lands are granted under the Rajasthan Reforms and Resumption of Jagirs (Concessions for Khud Kasht in Bhakra Project Area) Rules, 1955, shall pay in advance as Earnest Money a sum equal to the first year's instalment before they are given possession of the land allotted to them.

IV. After allotment of land to each individual allottee the Director of Colonisation shall prepare for each allottee a "Demand Statement" of the instalments to be realised from him and shall send it to the Collector and then it shall be the duty of the Collector to realise the amounts from the allottee the instalment as and when they fall due and to maintain ledger and other accounts registers connected therewith. The amounts realised as well as the instalments falling in arrears with regard to each allottee shall be reported by the Collector after each crop to the Commissioner and to the Director of Colonisation.

By Order  
His Highness the Rajpramukh,  
P. N. KAUL,  
*Secretary to the Government.*

# THE RAJASTHAN COLONISATION (General Colony) CONDITIONS 1955

In exercise of the powers conferred by section 28 read with sub-section (1) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) and by sub-section (2) of section 7 of the said Act, the Government of Rajasthan is hereby pleased to prescribe the following conditions as the conditions on which land may be granted in colony to any person and further to direct that these conditions shall be regarded as a statement of general conditions for colonies issued under sub-section (2) of the said section 7.

## Notes

Sec. 28 of the Act Authorises the state govt to frame rules for carrying into effect the provisions and purposes of the Act. Sec 7 of the Act requires the state Government to issue and prescribe the statement of conditions of tenancy in a colony under the Act. Section 7 reads as under :—

(1) The State Government may grant land in a colony to any person no such condition as may be prescribed.

(2) The State Government may issue a statement or statements of the conditions on which, it is willing to grant land in a colony to tenants.

(3) Where such statements of conditions have been issued, the Collector may, subject to the control of the State Government, allot land to any person, to be held subject to such conditions contained in the statement issued under sub-section (2) of this section as the Collector may, by written order, declare to be applicable to the case.

(4) No person shall be deemed to be a tenant or to have any right or title in the land allotted to him until such a written order has been passed and he has taken possession of the land with the permission of the Collector, and after possession has been so taken, the grant shall be held subject to the conditions declared applicable thereto.

These rules have been made in pursuance of the powers so conferred and prescribe the general conditions on which or on any of which land may be granted in a colony.

1. *Short title and commencement.*—These rules may be called the Rajasthan (General Colony) Conditions 1955.

2. *Interpretation.*—In these rules unless there is something to the contrary in the subject or context.

(a) "The Act means the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) (as in force for the time being ;

(b) 'Assessment Circle' means the Settlement assessment circle in which the land is situated or by which it is wholly or mainly surrounded;

(c) 'The date of commencement of the grant' shall unless provided otherwise in the order sanctioning the grant, mean the date on which the initial order sanctioning the grant was made by way of a Ghair Khatedar tenant;

(d) 'Government' means the Government of Rajasthan and shall be deemed to include the successors and assigns of that Government;

(e) 'Government land' shall mean and include all unoccupied lands and lands held under temporary cultivation lease or leases granted for a specific period or under specific conditions, if such period has expired and its conditions have not been duly fulfilled and shall also include common village Lands, Birs, Paitans and areas reserved for forest or other Government purposes;

(f) 'Grant' includes any grant made in respect of land to which the Act has been applied, whether made by way of conferment of

*These rules have been first published Rajasthan Raj-patra Dated March 3, 1956 in part IV (c) at page 1210.*

any class of rights, whether before or after the commencement of the Act, or by devolution or otherwise;

(g) 'Grantee' includes any person holding under a grant, whether as a Ghair Khatedar or Khatedar tenant or otherwise, and shall be deemed to include the successors and assigns of the grantee; and when the said term includes co-sharers, any liability imposed by these conditions shall be the joint and several liability of each cosharer;

(h) 'Herein contained' means a condition or provision contained in this statement of conditions;

(i) 'Inter-village' or 'Dehati' road means a road required to connect a village or chuk Abadi with its circumjacent neighbouring villages and chuk abadies as well as to provide direct communications between various Abadies existing in the same village;

(j) 'Intra village' road means road required to connect every holding in any Chuk or village with an inter village road or with the Abadi site of the Chuk or village.

(k) 'Irrigation Officer' means such officer of Irrigation Department of the Government as may be duly authorised by the Government to deal with any matter mentioned in the terms or conditions of a grant;

(l) 'The Kharif Crop' and "Rabi Crop" means the crops generally sown and harvested in the Kharif and Rabi seasons respectively;

(m) 'The Kharif Season' and the 'Rabi Season' means the season of approximately six months each generally known as the Kharif and Rabi seasons respectively, and should any question arise whether any crop is a Kharif or Rabi Crop or whether the date on which any thing has been done or should be done falls in one season or other the question shall be decided by the Collector, whose decision shall be final;

(n) 'The land' and 'The said land' shall, so far as a separate grant is concerned, be deemed to apply to and designate the lands included in that grant; and

(o) 'Minerals' include all substances of a mineral nature which can be won from the earth, such as coal, earth oil, gold-washings stones and forms of soil which can be used for a profitable purpose on removal, whether existing on, over or below the surface of the land.

3. *Application of Act and the terms of this Statement to other statements of conditions:—*

(a) This statement is issued subject to the provisions of the Act;

(b) All grants of land under the Act, whether by way of Ghair Khatedari tenancy or conferment of Khatedari rights or otherwise, and whether made under this statement or any subsequent or special statement of conditions, shall be subject to its provisions, so far as they are applicable thereto and save



and in so far as they may be expressly modified, abrogated or supplemented by such subsequent or special statement of conditions applicable to any particular part of the State or class of land, and

(c) Whenever any statement of conditions is hereafter issued with respect to any land to which the Act has been applied, or whenever a grant of such land is made by means of any written instrument:—

(i) the language used in such statement or instrument shall, unless there is anything repugnant in the context and unless any other meaning is assigned thereto, be governed by the same rules of interpretation as those contained in these rules;

(ii) any expression which is used to describe the party making the grant on behalf of the Government shall be deemed to include the successors and assigns of that party;

(iii) any expression used to describe the other party shall be deemed to include the heirs, legal representatives, and permitted assigns of that party, and if the said expression includes co sharers, any obligation or liability imposed on that party shall be the joint and several obligation or liability of each co-sharer;

(iv) any reference to any officer by the name of his office shall be construed as reference to the officer having charge over the area in which the land is situated and shall be deemed to include any other officer of the Government duly authorised in that behalf.

4. *General Colony Conditions.*—The conditions hereinafter contained in these rules are hereby prescribed as the general conditions on which or on any of which land may be granted in a colony.

5. *Registration of Deeds.*—If the conditions of any grant provide for the execution of a deed, which require registration, the deed shall be presented for registration by the grantee as soon as may be after the execution thereof.

#### GENERAL EXCEPTIONS AND RESERVATIONS.

6. *Selection of tenants.*(1) No person shall be entitled as of right to a grant or to become a tenant and the Government of Rajasthan hereby reserves to itself and retains absolute discretion in the selection of tenants for the land referred to in this statement.

(2) All grants, whether by way of Ghair-Khatedari tenancy or conferment of Khatedari rights or otherwise, shall be subject to the following exceptions and reservations and the Government hereby absolutely excepts and reserves to itself out of and in respect of the lands;

7. *Mineral Rights.*—(1) All existing rights to and over all mines and quarries in or under the said lands or any part thereof together with all easements theretofore enjoyed by the Government in respect of the said lands or any part thereof, and no grant, unless

it is otherwise specifically, provided, shall be interpreted as creating or transferring any rights in minerals whatsoever, but such rights shall be deemed to have been expressly excepted and reserved to the Government with liberty to search for, work and remove any minerals existing on, over or below the land to which the grant relates, in as full and ample a way as if the grant had not been made; and for the full discovery, enjoyment and use of the rights in minerals so reserved, it shall be lawful for Government through its authorised agents or assigns or for any officer of the Government duly authorised in that behalf to enter upon the land and occupy it temporarily.

7. *Areas excluded.*—(2) All rivers and streams and canals, water courses and drainage channels, excavated or otherwise utilised therefor, together with their beds and banks, and all grounds situated in the said lands or any part thereof as are or may be marked out as or for any distributory channel or channels.

(3) All public thoroughfares existing on the land at the time when the grant is made together with any roads or paths, upto the width of 4 gathas which, through not yet made, have been marked out upon the ground or delineated in the plan or plans kept in the office of the Collector or the Colonisation Department.

8. *Right to construct or alter a water-course.*—When the grant is made for agricultural purposes, the Government reserves and excepts to itself the following rights and no compensation of any kind shall be claimable by the grantee or any other person in respect of any area acquired or reserved in exercise thereof but in respect of such area no water rate, soil advantage rate, betterment fee, land revenue, taxes or cesses shall be payable by the tenant.

(1) The right to construct a watercourse or alter an existing watercourse, whenever this may be considered desirable by the Collector after consultation with the Divisional Irrigation Officer;

(2) *Right to create a right of way and construct village roads.*—The right to create or reserve a right of way in favour of the Government or any person or persons or any class of persons or of the public generally, and the right to construct inter or intra village roads, through or across the said land or any part thereof, and not over a strip exceeding at any point 4 gathas in width, as the Collector, may, from time to time, in public interest or for the benefit of any or all landholders of the Chak or village or for the protection and maintenance of any property or exercise of any right reserved to the Government, consider desirable and may by an order in writing, direct.

#### GRANTS OF INTEREST IN LAND.

9. *Procedure for acquisition of rights.*—(1) All grants made under this statements shall be initially on a Ghair Khatedari tenancy only and by way of a lease for a period of 10 years from the date of the commencement of the grant. At or after the expiration of seven years from the date of the commencement of the grant, the grantee giving paid to Government the balance purchase money and in the

manner herein provided, all sums and outgoings, each and all of them, due to the Government under the provisions of this statement and having duly observed all the stipulations herein contained and to be observed by him, shall be entitled at any time to receive from the Government a "Sanad", conferring on him a right of a Khatedari Tenancy in the said lands, provided that thereafter the grantee shall hold and possess land and every part thereof subject for ever to all provisions and stipulations herein contained and the tenancy shall continue till it is terminated by the operation of law or in accordance with the general or special conditions applicable thereto. The "Sanad" shall be issued under the signatures and the seal of the Collector and shall be got registered by the grantee according to the provisions of the Rajasthan Tenancy Act.

(2) *Payment of Purchase money pre-requisite.*—No grantee shall acquire Khatedari or other rights not conferred on him as a tenant by the conditions of this statement and shall continue to be subject to the conditions herein contained and as a Ghair Khatedar tenant unless and until the whole amount of the purchase price and all other sums and outgoings due to Government for the said land shall have been duly paid and discharged.

(3) *Right to be acquired in whole grant, not part.*—Payment for purchase of Khatedari right shall only be accepted if made for the whole area of the grant and no grantee shall be permitted to acquire Khatedari rights in a portion thereof.

10. *Withdrawal of Khatedari rights.*—Notwithstanding anything hereinbefore contained, the Collector may refuse to allow acquisition of Khatedari rights to all or any of the tenants of a chak or village, if, for reasons to be recorded in writing, he finds that ;

(a) the state of crime in the village of Chak is such, as, in his opinion, to disentitle the grantees to the concession,

(b) there has been in the village or chak a breach of the canal or distributory within the last 5 years and there is reason to believe that such breach was wilfully caused by the grantees of the chak or village.

(c) there have been in the chak or village gross and repeated encroachments on the areas reserved for village Forest and "Charagah" (Common village Grazing Grounds) unallotted village site and public roads and thoroughfares.

(d) the condition of the chak or village is grossly insanitary.

*Explanation.*—Existence of borrow-pits within compounds of the houses or near village abadi, heaping of manure within compound, instead of outside the village ; making of a village tank in places other than those indicated by a competent authority or failure to construct the stipulated village drinking water well or tanks, when called upon to do so by a competent authority, frequent use of village streets and lanes as latrines and for throwing of house sweepings and filth therein, shall be deemed to be proofs of existence of grossly insanitary condition in the chak or village for purposes of this clause.

it is otherwise specifically, provided, shall be interpreted as creating or transferring any rights in minerals whatsoever, but such rights shall be deemed to have been expressly excepted and reserved to the Government with liberty to search for, work and remove any minerals existing on, over or below the land to which the grant relates, in as full and ample a way as if the grant had not been made; and for the full discovery, enjoyment and use of the rights in minerals so reserved, it shall be lawful for Government through its authorised agents or assigns or for any officer of the Government duly authorised in that behalf to enter upon the land and occupy it temporarily.

7. *Areas excluded.*—(2) All rivers and streams and canals, water courses and drainage channels, excavated or otherwise utilised therefor,, together with their beds and banks, and all grounds situated in the said lands or any part thereof as are or may be marked out as or for any distributory channel or channels.

(3) All public thoroughfares existing on the land at the time when the grant is made together with any roads or paths, upto the width of 4 gathas which, through not yet made, have been marked out upon the ground or delineated in the plan or plans kept in the office of the Collector or the Colonisation Department.

8. *Right to construct or alter a water-course.*—When the grant is made for agricultural purposes, the Government reserves and excepts to itself the following rights and no compensation of any kind shall be claimable by the grantee or any other person in respect of any area acquired or reserved in exercise thereof but in respect of such area no water rate, soil advantage rate, betterment fee, land revenue, taxes or cesses shall be payable by the tenant.

(1) The right to construct a watercourse or alter an existing watercourse, whenever this may be considered desirable by the Collector after consultation with the Divisional Irrigation Officer;

(2) *Right to create a right of way and construct village roads.*—The right to create or reserve a right of way in favour of the Government or any person or persons or any class of persons or of the public generally, and the right to construct inter or intra village roads, through or across the said land or any part thereof, and not over a strip exceeding at any point 4 gathas in width, as the Collector, may, from time to time, in public interest or for the benefit of any or all landholders of the Chak or village or for the protection and maintenance of any property or exercise of any right reserved to the Government, consider desirable and may by an order in writing, direct.

#### GRANTS OF INTEREST IN LAND.

9. *Procedure for acquisition of rights.*—(1) All grants made under this statements shall be initially on a Ghair Khatedari tenancy only and by way of a lease for a period of 10 years from the date of the commencement of the grant. At or after the expiration of seven years from the date of the commencement of the grant, the grantee having paid to Government the balance purchase money and in the

manner herein provided, all sums and outgoings, each and all of them, due to the Government under the provisions of this statement and having duly observed all the stipulations herein contained and to be observed by him, shall be entitled at any time to receive from the Government a "Sanad", conferring on him a right of a Khatedari Tenancy in the said lands, provided that thereafter the grantee shall hold and possess land and every part thereof subject for ever to all provisions and stipulations herein contained and the tenancy shall continue till it is terminated by the operation of law or in accordance with the general or special conditions applicable thereto. The "Sanad" shall be issued under the signatures and the seal of the Collector and shall be got registered by the grantee according to the provisions of the Rajasthan Tenancy Act.

(2) *Payment of Purchase money pre-requisite.*—No grantee shall acquire Khatedari or other rights not conferred on him as a tenant by the conditions of this statement and shall continue to be subject to the conditions herein contained and as a Ghair Khatedar tenant unless and until the whole amount of the purchase price and all other sums and outgoings due to Government for the said land shall have been duly paid and discharged.

(3) *Right to be acquired in whole grant, not part.*—Payment for purchase of Khatedari right shall only be accepted if made for the whole area of the grant and no grantee shall be permitted to acquire Khatedari rights in a portion thereof.

10. *Withdrawal of Khatedari rights.*—Notwithstanding anything hereinbefore contained, the Collector may refuse to allow acquisition of Khatedari rights to all or any of the tenants of a chak or village, if, for reasons to be recorded in writing, he finds that ;

(a) the state of crime in the village of Chak is such, as, in his opinion, to disentitle the grantees to the concession,

(b) there has been in the village or chak a breach of the canal or distributory within the last 5 years and there is reason to believe that such breach was wilfully caused by the grantees of the chak or village.

(c) there have been in the chak or village gross and repeated encroachments on the areas reserved for village Forest and "Charagah" (Common village Grazing Grounds) unallotted village site and public roads and thoroughfares.

(d) the condition of the chak or village is grossly insanitary.

*Explanation.*—Existence of borrow-pits within compounds of the houses or near village abadi, heaping of manure within compound, instead of outside the village ; making of a village tank in places other than those indicated by a competent authority or failure to construct the stipulated village drinking water well or tanks, when called upon to do so by a competent authority, frequent use of village streets and lanes as latrines and for throwing of house sweepings and filth therein, shall be deemed to be proofs of existence of grossly insanitary condition in the chak or village for purposes of this clause.

(e) there has been persistent neglect of arboriculture in the village site or in the area allotted to the Chak or village for purposes of plantation of village forest.

(2) When the Collector has, under the provision of sub-clauses (c) to (e) of clause (1) of this condition, refused to allow Khatedari rights to be acquired, he may, notwithstanding such refusal, allow them to be acquired, if otherwise allowable when the encroachment, insanitary state or neglect, as the case may be, has been removed or remedied.

11. *Grant of rights in village site.*—A tenant who has acquired Khatedari right in his grant shall also receive proprietary right in the village site allotted to him for the construction of a residential house on payment of such charge as the Government may, from time to time, prescribe.

12. *Grant to include easements etc.*—Every grant shall be deemed to include the exercise and use of all rights, easements and appurtenances belonging to and appertaining to the land, except as otherwise provided.

13. The grantee may, unless otherwise provided in the special conditions applicable to the grant and unless otherwise restricted by the terms of this statement.—

(1) *Tenants' rights on product of land.*—Take to himself all natural products growing on the surface of the land.

(2) Sink wells, construct watercourses, plant trees and make such other improvements as may be necessary for the purposes of cultivating the land to the best advantage ; provided that no water course shall be made on a plan or in a position not approved or disapproved by the competent Irrigation Officer.

#### OBLIGATION OF GRANTEE.

General covenants applicable to all classes of grantees.

14. *Regular payment of Government dues.*—(1) Whenever an interest is granted in land, whether by way of Ghair Khatedari Tenancy or conferment of Khatedari rights or otherwise, the grantee shall pay regularly, when due, in respect of the said land or any part thereof :—

(i) all rates (including water rate, occupier's rate and acreage rate), charges (including Betterment fee and soil advantage rate), taxes, cesses and other charges which may be imposed by competent authority, under any law for the time being in force, or become payable in respect of the land either by the occupier or owner thereof ;

(ii) All instalments of rent, land revenue and any other payments which are payable to or on behalf of Government under the grant.

(2) *Government to prescribe rent and land revenue.*—When no rent or land revenue is specified in the special conditions, the rent

or land revenue shall be such sum as may be prescribed by the Government by general or special order from time to time.

(3) *Changes and payments by way of land revenue.*—When the grant relates to land which has not been assessed to land revenue, but the terms of the grant direct that a sum shall be paid in the manner provided for the payment of land revenue, then the grantee shall :—

(a) pay the sums so specified at the same time and in the like manner as land revenue is paid subject to the same general orders of Government as those to which payment of land revenue for the assessment circle in subject, and

(b) pay to Government or as the Collector may direct a sum equivalent to any rates or cesses which would have been payable if the land had been assessed to land revenue at a rate equivalent to the sum or portion of the rent so specified.

15. *Nazrana on purchase price.*—(1) The Government may, from time to time, fix such rate on rates of Nazrana or purchase money, payable in *lump sum* or instalments, at which Government lands will be granted and no such lands shall be allotted to any person except on pre payment of the whole purchase money thereof or his entering into a written covenant to make its payment, from the date of commencement of his grant by way of a Ghair Khatedar, in such instalments as the Collector may, in accordance with the general or special orders of the Government direct.

(2) *Payment of Nazrana in instalments.*—Where the grantee elects to pay the purchase money in instalments he will deposit at the time when the grant is made such earnest money as the Government or the Collector may, in accordance with the general or special orders of the Government, direct and pay the balance in such instalments and at such intervals as may be prescribed in that be half and thereafter each instalment of the purchase price shall continue to be paid with each instalment of the rent or land revenue, as the case may be, till the last payment for the completion of the purchase of Khatedari rights has been made.

(3) *Default of Nazrana instalments.*—In case the grantee fails to pay any of his instalments by the dates fixed therefor, (*i. e.* for the payment of the rent or land revenue for the harvest concerned) he shall be deemed to have defaulted for that harvest and shall be liable to pay an interest thereon at a rate of 6% per annum, and shall suffer, by his own default, by extending the period of his payments and period of Ghair Khatedari tenancy equivalent to the period of default.

16. *Time and place of payment.*—All payments mentioned hereinfore shall be paid on the same date as that on which the instalment of rent or land revenue in the Tehsil in which the land is situated is payable and shall be paid during working hours at the nearest Government treasury or sub-treasury and to such person or

persons and at such times and places as the Government or the Collector from time to time, may appoint.

17. The grantee shall be and remain bound by the following obligations and shall be deemed to have entered into covenant for their due performance and observance :—

(1) *Use of land.*—Not to use the lands or any part thereof in a manner liable to harm them or lessen their value or which renders them unfit for the purposes for which he holds them, or which are ordinarily subservient thereto.

(2) *Against injury to reserved rights.*—Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to the Government.

(3) *Entry of Government Officers.*—To permit without let or hindrance all officers or servants of the Government and all other persons duly authorised by Government in that behalf to enter the land or any building thereon at all times and do all acts and things necessary for or incidental to:—

(a) the purpose of enforcing compliance with any of the terms or conditions of the grant, or of ascertaining whether they have been duly performed or observed, or

(b) any purpose connected with full enjoyment, discovery and use of the rights reserved to the Government;

Provided that no residential building shall be so entered except at a reasonable time and after twenty four hours notice,

(4) *Public rights and easements.*—Not to interfere with the lawful use by the public and land holders of the Chak or village of any thoroughfare on the land to which the grant relates or with the exercise by any third person of any right and easements existing thereon at the time of the grant, or which the grantee is bound by the terms of the grant to create or allow.

(5) *Boundary marks.*—At his own cost, when so required by the Collector, to erect permanent marks on the lands hereby leased, demarcating correctly the boundaries and limits thereof, and at all times maintain the same in good repair in accordance with any directions from time to time issued by the Collector.

(6) *Peaceful surrender or expiry of period.*—If the grant is for a limited period or if the grant can be terminated under the terms thereof, to leave the land as soon as the grant is terminated and surrender it peacefully to the Collector, and if so required by the Collector, to pull down and remove any structure existing thereon, and deliver up the land in a level state or as in its former condition.

(7) *Surrender for Public purpose etc.*—In either of the following events:—

(a) If the land or any portion thereof is required for any public purpose, or for any of the purposes mentioned in condition 8 of this statement, or

(b) if it should be found that the whole or any part of the land has already been granted to any third persons, to pea-



cefully surrender the whole or so much of the land as may be required on demand by the Collector, or by the previous grantee, as the case may be.

(8) *Power to resume lands for roads Railways etc.*—On receipt of a requisition in writing from the Collector, to peacefully permit him to take possession of and finally to resume for the Government, so much of the said lands as may from time to time, in the opinion of the said Collector, be required for the construction, repair or maintenance of railways and roads to be constructed at public expense by the Public Works Department or any works connected therewith, and be bound to accept in full satisfaction and compensation for the same an equal area of land elsewhere on the canal or such other form of compensation as the Collector may determine, together with any compensation which the Collector may consider reasonable on account of the cost of any improvements made by the grantee on the lands resumed by Government. The land given in exchange, if any, under this clause shall be held by the tenant on the same conditions in all respects as the land resumed.

(9) *Exchange of Tenancy.*—On demand by the Collector and for purposes of rectangulisation of fields, consolidation of holdings and propagation of an improvement scheme, to peacefully exchange the grant for land elsewhere, as nearly as may be equal in value to the land surrendered and on the same terms and conditions, the said terms and conditions to apply in like manner as if the land taken in exchange had been the land originally granted.

(10) *Alienation.*—Not to transfer or attempt to transfer without previous sanction in writing of the Commissioner, any right, title or interest, in, or possession of the whole or any part of the said lands or sublet the same or create or attempt to create any charge thereupon till Khatedari rights on the said lands have accrued to the grantee.

(11) To disclose by written acknowledgement to the officer authorised to make the grant when the grant is applied for:—

(i) if he is in the service of the Government; or

(ii) if he or any member of his family or any of his co-sharers in any other tenancy has previously received from the Government any grant of land; and

(iii) such other information or informations as the Government may from time to time in the rules prescribed for grant of lands to which this has been applied, require to be disclosed.

*Explanation.*—In this clause expression “member of his family” means the wife or any descendant of the grantee or of his paternal grand father or father, and such other person, who is or has been, prior to 31st December 1947, a member of the joint family of the grantee.

18. The grantee, whether by way of Ghair Khatedari tenancy or conferment of Khatedari right or otherwise, shall be and remain

bound, jointly and severally with other lands holders and inhabitants of the chak or village, by the following obligations and shall be deemed to have entered into a covenant for their due performance and observance and to pay his share of their cost and maintenance:—

(1) *Construction of Masonry well or reservoirs.*—To dig and construct within reasonable period a masonry well for drinking purposes or to construct two separate pucca lined reservoirs (Diggies) near the village Abadi site for use of human being and cattle respectively at a site approved by the Collector,

(2) to manage and maintain in proper order, according to rules to be framed therefor separately, the common village pasture lands allotted by the Collector for common benefit of the inhabitants of the village or chak abadi;

(3) *Village forest.*—to plant and maintain a village forest, according to the rules to be prescribed therefor separately for the common benefit of the inhabitants of the village or chak abadies at a site to be allotted therefor by the Collector.

19. *Residence in chak or village.*—(1) The grantee shall settle permanently in the chak or village in which the grant is situated within six months of the date on which the Collector directs that he be put in possession of a specified area of land, and within one year of the same date he shall build a house, of an approved plan and to the satisfaction of the Collector, on a site allotted by the said Collector or with permission of the Collector, on his own land, provided that when the grant is held jointly by two or more persons the Collector may for sufficient reasons excuse any of such joint-holders from personal residence in the chak or village:

Provided further that when the lands of the grant are situated in more than one chak or village the grantee may, with the previous approval of the Collector, elect to settle down in any one of such chak or village.

(2) *Model abadi.*—Where a new abadi is established in a chak the land holders thereof shall be and remain bound jointly and severally to inhabit themselves in the form of a model abadi of lay out duly approved by the Collector.

20. *Additional covenant for Tenants.*—If the grant is by way for agricultural purpose the grantee, whether by way of Ghair Khatedari tenancy or conferment of Khatedari rights, shall be and remain bound by the following additional obligations and shall be deemed to have entered into a covenant for their due performance and observance:—

(1) *Injury to land*—Not to use cultivate or manage the land in such a way as to make it unfit for agricultural purpose.

(2) To bring one third of the culturable area of the grant under cultivation within one year from the date of the commencement of the grant and thereafter always to keep one-half of the area under cultivation.

(3) *Restriction on cultivation when tenancy is for limited period.*—If the tenancy is for a period terminating with the end of the Kharif season, not to sow any rabi crop during the concluding season of the tenancy and if the tenancy is for a period ending with rabi season, not to sow any Kharif crop during the concluding season of the tenancy.

(4) *Notice by tenant.*—(i) If the terms of the grant provide for determination of the tenancy on notice by the grantee, such determination shall take place only at the end of the agricultural year or at a time specifically provided for in the grant, and a reasonable notice thereof shall be given in writing to the Collector in the manner prescribed for surrender of a tenancy under the law relating to tenancy for the time being in force.

(4) (ii) If the tenancy is held jointly the notice shall be signed by each co sharer or by some person duly authorised to act on behalf of all of them, and the Collector may reject a notice so signed unless the authority is produced.

(5) *Construction of water courses Restrictions on.*—Not to construct or alter any canal, watercourses or drainage channel upon the land without the permission of a competent canal officer.

(6) *Rectangulisation of fields.*—To carry out at his own cost Batbandi of fields for purposes of rectangulisation thereof.

(7) *Survey and demarcation of land.*—To pay such amount towards the cost of the survey and demarcation of the land of the chak or village as the Collector or Canal Officer may determine, whether the cost has already been incurred at the time of the grant or may be incurred thereafter.

(8) *Construction of water courses, culverts, Bridges and roads.*—When called upon by the Collector.—

(a) to construct at his own expense any watercourse on the chak in which the land is situated and from which a supply of water is available for the land, or any road, path, culvert or bridge, necessary for the general convenience of the land holders of the chak or village in which the land is situated and to maintain them in good repairs, or

(b) to pay such amount towards the cost of their construction and maintenance as the Collector or a Canal Officer may determine, whether the cost has already been incurred at the time of grant or may be incurred thereafter.

(c) When the grantee fails to construct or maintain in good repairs any watercourse, road, path, culvert or bridge, the Collector may, after 15 days' notice to him, get the said watercourse, road, path, culvert or bridge, constructed or repaired departmentally and recover the cost thereof from the grantee as arrears of land revenue.

(9) *Plantation of trees.*—The grantee shall, within three years from the time of the canal receiving perennial supply of water, plant, on the Batbandi line of each killa or along the watercourses of his

land, five times as many trees as there are killas (or Bighas) in the grant and shall ever maintain that number in good condition; provided that

Subject to the provisions of the Rajasthan Tenancy Act, 1955 the grantee may use these trees, and other brushwood as may be standing on his holding, for his own *bona fide* private purposes connected with cultivation or domestic use, but he shall not sell, barter, exchange or give them away, and shall within six months replant as many new trees as he has cut or removed.

(10) *Removal of trees and brushwood.*—The grantee may remove any trees or brushwood standing on his lands to reclaim and bring the said lands or any part thereof under cultivation and such trees or brushwood shall be at the absolute disposal of the grantee and may be sold by him.

(11) The grantee shall not cultivate any land reserved for village site, Charagah or a village Forest, but as a matter of grace, he will be allowed to graze his cattle upon the lands reserved for Charagah and to take wood from the village forest in accordance with the rules framed by the Government in this behalf.

21. *Building Sites to Tenants.*—(1) If any grant is made for purposes of agriculture and the grantee is also allowed a site in the abadi site of the ohak or village for constructing a building for residential purposes, the grantee shall be and remain bound by the following obligation and shall be deemed to have entered into a covenant for their due performance and observance :—

(a) To commence the construction of the building within six months from the date of the grant in accordance with a standard plan or modifications of that plan approved by the Collector.

(b) To complete the building to the satisfaction of the Collector within eighteen months of the date of grant.

(c) To maintain the building thereafter in good repair in accordance with any directions from time to time issued by the Collector.

(d) Not to let the building on rent or use it for any purpose other than that for residential purposes or generally subservient thereto, and not to permit or suffer such usage, without the permission of the Collector.

(e) No to make any excavation on the land, village streets and lanes or open areas adjoining thereto or permit or suffer any excavation to be made.

(f) Not to sow on the land any crop which are prohibited by the Collector or permit or suffer any such crops to be sown.

(2) This condition shall not apply to grant of land for residential purposes to any person who has not been granted, any land for agricultural purposes also and such persons shall be governed by separate statement of conditions sanctioned for them.

### PENALTIES FOR BREACH CONDITIONS.

22. *Penalty for non-Payment of outgoings and rents.*—If, within 15 days from the date of demand made in writing for payment thereof, the grantee fails to pay in the manner hereinbefore provided all sums due to Government under these provisions, and if he at any time fails to duly observe all or any of the stipulations herein contained and to be by him observed then and in every such case the tenant shall pay penalty to be fixed by the Collector, but not exceeding five hundred rupees, or the Government in lieu of demanding such penalty, may, by any officer duly authorised in this behalf, forthwith, without payment of any compensation whatsoever, re-enter upon the said lands and resume the possession thereof and immediately thereupon the said tenancy shall absolutely cease and determine.

23. *Penalty for breach of conditions.*—If any grantee fails to perform or commits any breach of any of the terms or conditions of his grant, or suffers or permits such breach or non-performance, the Collector may at any time thereafter suspend for such period as he may deem proper his khatedari rights in the grant, if he has already acquired them, or may determine the grant and resume possession of the land and may pull down any structure existing thereon, and may sell the materials thereof and retain the proceeds of the sales, whether these rights may have been waived in respect of any earlier default or not, without prejudice to the powers conferred by the Act or to any other right or claim; and if the grant is one by way of a grant for agricultural purposes, the grantee shall nevertheless make all the payments which would otherwise be due from him for the whole period of his tenancy. Notice will be given to the former grantee to take refund of the sum that remains payable to him after deduction of expenses.

24. Where any breach of condition is of the nature of an omission to do or perform any act and such act can be got done or performed departmentally or otherwise, the Collector may, without prejudice to any other rights conferred upon the Government or any other action taken against the defaulter under the Act or this statement, order the said act to be got done or performed departmentally or through such agency as he deems fit and may order recovery of the cost incurred thereon from the grantee in advance or with the next instalment of rent or land revenue as arrears of land revenue.

### COMPENSATION AND ARBITRATION OF DISPUTES.

25. *Compensation.*—(1) Except as provided in sections 15 and 16 of the Act no compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of any grant, except as provided hereunder :—

(a) *For damage by exercise of reserved rights.*—reasonable compensation for actual damage directly occasioned by the

exercise by Government of all or any of the rights reserved to itself other than those relating to construction of watercourses or creation of rights of way or exercise of the existing rights of way, water and other easements.

(b) *For resumption of grant.*—On resumption of the whole or any portion of the land, otherwise than on exchange or for breach of conditions, a proportionate reduction of the rent or a proportionate refund of the purchase price if any paid.

(c) *For exchange of land.*—On exchange under clause 9 of condition 17 reasonable compensation for improvements effected on the land by the grantee and, where a land of equal value and advantage cannot be allotted in exchange, reasonable compensation for the difference in the value of the two lands in the latter case, the compensation being payable by the grantee or tenant receiving in exchange the land of greater value.

(2) *Decision of Collector-final.*—The decision of the Collector as to whether at any time any damage has been occasioned to the grantee and, as to the amount of compensation to be paid, shall be final and binding upon the parties and case of them.

(3) *Grantee to be heard.*—When any claim for compensation arises, the officer assessing the amount of the compensation shall give the grantee an opportunity of being heard.

(4) *Government dues to be realised from compensation.*—When any sum becomes due to the grantee by way of compensation, any moneys due to Government in respect of the grant shall be deducted therefrom and if Government has any unsettled claim against the grantee, the sum due by way of compensation may be withheld until the claim is settled.

26. *Arbitration.*—(1) If any question or difference whatsoever shall at any time arise after the making of the grant between Government and the grantee in any way touching or concerning the grant, or the construction, meaning, operation or effect of any or these conditions or any other condition relating to the grant of any clause in any written instrument relative to the grant or as to the rights, duties or liabilities of either party under the grant or by virtue of any such condition or instrument or touching the subject matter of the grant or arising out of or in relation thereto then, save in so far as the decision of any such matter has been otherwise provided for and has been so decided, the matter in difference shall be referred to the arbitration of the Commissioner.

(2) The arbitrator shall have powers to decide any matter so referred including the following questions:—

(a) Whether any other provision has been made for the decision of any matter, and if such provision has been made whether it has been finally decided accordingly, and

(b) Whether the grant should be terminated or has been rightly terminated and what are or will be the rights and obligations of the parties as a result of such termination.

(3) The decision of the arbitrator shall be final and binding; and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

#### MISCELLANEOUS.

27. *Exercise of powers.*—(1) If there is any colonisation Officer appointed under that title for the area in which the land is situated, the powers or functions conferred on the Collector by these powers of functions conferred on the Collector, or Commissioner or or conferred on or reserved to the Government shall be exercised by such officers as may be specified by any general or special order.

By Order of

His Highness the Rajpramukh,  
PASHUPATI NATH KAUL,  
Secretary to the Government.

*Notifications under*

**The Rajasthan Colonisation (General Colony) Conditions, 1955**

*Published in Raj. Raj-patra part IV(a) dated October 18, 1962 at page 530-531 :*

**Irrigation Department**

**NOTIFICATION**

*Jaipur, March 15, 1961.*

*No. F. 8 (122) Irg./60.*—In exercise of the powers conferred under clause (i) of section 2 of the Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954) the State Government hereby appoints the Executive Engineer, Water Courses Division, Kota, to perform all or any of the functions of a Collector under the Rajasthan Colonisation (General Colony) Conditions 1955, within the commanded area of the Chambal Project.

By Order of the Governor,

**M. P. SHUKLA,**

**Dy Secretary to the Government.**



# Temporary Cultivation Leases Conditions, 1955

## REVENUE DEPARTMENT (A)

Jaipur, August 28, 1956.

No. F. 6 (224) Rev. A/55.—In exercise of the powers conferred by section 28 read with sub-section (1) of section 7 of the Rajasthan Colonization Act, 1954 (Rajasthan Act XXVII of 1954) and by section (2) of section 7 of the said Act the Government of Rajasthan is hereby pleased to prescribe the following conditions as the special conditions on which land may be granted in a colony for the purposes of grant of land for leases for *temporary cultivation* and further to direct that these conditions shall be regarded as a statement of special conditions for the above mentioned purposes under sub-section (2) of the said section 7.

### Notes

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act, Sub-section (1) and (2) of section 7 of the Act provides,—The State Government may grant land in a colony to any person on such conditions as may be prescribed.

(2) The State Government may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

These rules provide for which may be granted in a colony for the purposes of grant of land for leases for temporary cultivation.

1. *Short title.*—This statement of conditions may be called the Rajasthan Colonization (Temporary cultivation leases) conditions, 1955.

2. *Application of the Act.*—This statement is issued subject to the provisions of the Rajasthan Colonization Act, 1954, so far as they are applicable thereto.

3. *Selection of tenants.*—No person shall be entitled as of right to receive a lease and the Government hereby reserves to itself and retains an absolute discretion in the selection of the tenants or leaseholders for the land referred to in this statement.

4. *Interpretations.*—In this statement of conditions, unless there is any thing to the contrary in the subject or context:—

(a) "The Act" means the Rajasthan Colonization Act, 1954, as in force for the time being;

(b) "The date of commencement of the lease" shall, unless provided otherwise in the order sanctioning the lease, means the date on which the initial order sanctioning the lease was made over to the lessee by way of a Ghair Khatedar tenant;

(c) "Government" means the Government of Rajasthan and shall be deemed to include the successors and assigns of that Government;

(d) "Government land" shall mean all unoccupied lands and lands held under temporary cultivation leases or leases granted for a specific period or under specific conditions if such period has expired or its conditions have not been duly fulfilled and shall also include common village lands, Birs, Paitans and areas reserved for forest or other Government purposes;

(e) "Tehsildar" means the Revenue Officer in-charge of the Tehsil in which the land is situated and includes his superior officer or an officer to whom the powers and functions of a Tehsildar have been delegated.

(f) "Tenant" includes any person holding land under a lease and shall be deemed to include the successors and assigns of the tenants; and when the said terms includes co-sharers, any liability imposed by these conditions shall be joint and several liability of each co-sharer;

(g) "herein contained" means a condition or provision contained in this statement of conditions;

(h) "Village road" shall mean and include both inter and intra village roads as defined in the Rajasthan Colonization (General Colony) Conditions, 1955.

(i) "Irrigation Officer" means such officer or the Irrigation Department as may be duly authorised to deal with any matter mentioned in the terms or conditions of a lease;

(j) "Kharif" and "Rabi" crops mean the crops generally sown and harvested in the Kharif and Rabi seasons respectively;

(k) "The Kharif season and the Rabi season" means the season of approximately six months each generally known as the Kharif and Rabi seasons, respectively, and should any question arise whether any crop is a Kharif or Rabi crop or whether the date on which anything has been done or should be done falls in one season or other, the question shall be decided by the Collector, whose decision shall be final;

(l) "The Land" and the "Said Land" shall, so far as a separate lease is concerned, be deemed to apply to and designate the lands included in that lease.

(m) "Minerals" include all substances of a mineral nature which can be won from the earth, such as coal, earth oil, gold washings, stones and forms of soil which can be used for a profitable purpose on removal, whether existing on, over or below the surface of the land.

(n) "Landless tenant" means a *bona fide* agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally and does not hold any land or 50 bighas of unirrigated land under proprietary, Mauroosee or khatedari rights in his own name or in the name of any member of his joint family and is not a sub-tenant of any land owner or land holder holding khatas under proprietary, mauroosee or khatedari tenses, not liable to ejectment under the provisions of the Rajasthan Tenancy Act, 1955 or of any law for the time being in force in the area in which the land is situated and includes a displaced person who has been registered as such before 1st January, 1955, and has not been allotted any land either out of the evacuee pool or otherwise.

*Notes.*

Sub-condition (n) of condition 4 has been newly added vide Irrigation, Colonisation and Mandies Department Notification No. F. 6 (19) Rev B/53/Irg. dated September 2, 1958.

5. *Exceptions and reservations.*—The lease shall be subject to the following exception and reservations and the Government hereby absolutely excepts and reserve- to itself out of and in respect of the lands.

(1) All existing rights to and over all mines, minerals, quarries in or under the said lands or any part thereof together with all easements theretofore enjoyed by the Government in respect of the said lands or any part thereof, and no grant, unless it is otherwise specifically provided, shall be interpreted as creating or transferring any rights in minerals whatsoever, but such rights shall be deemed to have been expressly excepted and reserved to the Government with liberty to search for, work and remove any minerals existing on, over or below the land to which the grant relates in as full and ample a way as if the grant had not been made; and for the full discovery, enjoyment and use of the rights in minerals so reserved, it shall be lawful for Government through its authorised agents or assigns or for any officer of the Government duly authorised in that behalf to enter upon the land and occupy it temporarily.

(2) *Areas excluded*—All rivers and streams and canals, water-courses and drainage channels excavated or otherwise utilised therefor, together with their beds and banks and all grounds situated in the said lands or any part thereof as are or may be marked out as or for any distributary channels or channel.

(3) All public thoroughfares existing on the land at the time when the lease is sanctioned together with any road or path, up to the width of 4 Gathas, which though not yet made, have been marked out upon the grounds or delineated in the plan or plans kept in the office of the Collector or the Colonisation Department

(4) *Right to Construct or alter a water-course.*—The right to construct a water-course or alter an existing water-course, whenever this may be considered desirable, by the Collector after consultation with the Divisional Irrigation Officer.

(5) *Right to create a Right of way and construct village roads.*—The right to create or reserve a right of way, in favour of the Government or any person or persons or any class of persons or of the public generally and the right to construct inter or intravillage roads, through or across the said lands or any part thereof, and not over a strip exceeding at any point 4 gathas in width, as the Collector may, from time to time, in public interest or for the benefit of any or all land-holders of the village or chak or for the protection and maintenance of any property or exercise of any right reserved to the Government, consider desirable and may by an order in writing direct.

6. *Procedure of leases.*—(1) For the purposes of giving out temporary-leases of unoccupied land, the Tehsildar shall fix the

dates for allotment for each village on the conditions set forth in this statement and shall notify the same in the concerned village and the village adjoining thereto by pasting a notice thereof at a central place of the village not less than ten days before the date fixed for allotment.

(2) Temporary leases may be made for a period not exceeding five years at a time subject to the following conditions :—

- (i) No Malkana shall be charged in respect of lands that are at present classed as Barani, but will in due course come under lift irrigation by the Rajasthan Canal, till the area actually comes under irrigation.
- (ii) Malkana in respect of areas classed as Barani that are going to come under flow irrigation by the Rajasthan Canal shall be charged at the rate of twenty-five Naye Paise per bigha.
- (iii) When areas coming under lift or flow irrigation are irrigated, the rate of Malkana to be charged from the temporary cultivation lease holders shall be as Rs. 4/- per bigha, if the land is                      and Rs. 1/- per bigha if it is Barani :

Provided that Malkana as indicated above shall be payable in addition to the normal land revenue assessment.

(3) If there is more than one applicant of the same category for the same plot of land, the land shall be leased out by auction of the highest rental payable annually and will be sanctioned in favour of the highest bidder; but where a lease is refused to the highest bidder it shall, for reasons to be recorded in writing, be given to the next bidder.

Provided that in such cases no Malkana shall be charged.

*Explanation:—*Non-payment of Government dues in the past without sufficient reasons insolvency, being in possession of 25 bighas or more of irrigated or 50 bighas or more of unirrigated land by way of a tenure tenancy or a temporary cultivation lease or being a share-holder and co-partner in a similar tenancy or having become landless by transferring his tenure land after 31st March, 1955, or not being a permanent resident of Rajasthan, shall be deemed to be a valid reason for purposes of this condition for not giving a lease.

(4) Where there is only one applicant and the land is to be given by allotment, the allotment shall be made in consultation with an Advisory Committee consisting of :—

- (i) the member of the Rajasthan Legislative Assembly in whose constituency the land is situated;
- (ii) the Pradhan of the Panchayat Samiti in whose jurisdiction the land is situated or a nominee of such Samiti.
- (iii) the Sarpanch of the village Panchayat in whose jurisdiction the land is situated; and

(iv) the Vikas Adhikari of the Panchayat Samiti in whose jurisdiction the land is situated.

(5) The Tehsildar shall give to the member of the Advisory Committee at least one week's notice of the date of the meeting of the Committee.

Provided that if any member of the Advisory Committee fails to attend on the date fixed and intimated to him, the Tehsildar may carry on the work of allotment in consultation with such members as attend the meeting.

(6) The Tehsildar and the members of the Advisory Committee shall, as far as practicable, visit every village for making the allotment on the spot in a Majama-e-am, but if this be not possible, the allotment shall be made at the headquarters of a village Panchayat. The date of the visit of the Tehsildar and the members of the Advisory Committee to a village shall be notified in the village concerned at least one week in advance.

(7) If there is a difference of opinion between the members of the Advisory Committee and the Tehsildar, the latter shall refer the matter to the Collector whose decision shall be final.

*Notes.*

Condition number 6 has been newly substituted for previous one vide Rajasthan Canal Project Department Notification No.F 6 (19) Rev. B/58/Irg dated October 31, 1961 published in Rajasthan Rajpatra, part IV (c) dated December 14, 1961

7. *Persons eligible.*—The following persons shall be eligible to apply for grant of agricultural land on lease under Condition No. 6, and allotment will be made to them in the order of priority given below :—

- (i) *Bona fide* landless agriculturists residing continuously in the same village since before 1st April, 1955.
- (ii) A person with the qualifications as in (i) but residing in a neighbouring village situated within the Rajasthan Canal Project.
- (iii) A person with qualifications as in (i) but residing in a village coming within the Rajasthan Canal Project in the same Tehsil.
- (iv) A person with the qualifications as in (i) but residing in a village outside the Rajasthan Canal Project, but within the same Tehsil.
- (v) A person with the qualifications as in (i) but residing in a village of the same district.
- (vi) A person with the qualifications as in (i) but residing in a village of the same division :

Provided that a landless tenant having less than 25 bighas of irrigated or 50 bighas of unirrigated land will have preference in allotment to the extent of deficiency over other landless tenants of same category.

Provided further that a person residing continuously since

before 1947 shall have preference over a person of the same category residing from a later date.

(vii) A person with qualifications as in (i) and residing in any part of Rajasthan."

*Explanation* :— For the purpose of allotment under these conditions, joint family will be considered as one person and no separation effected after 31st March, 1955, will be taken into consideration.

*Notes.*

Condition 7, except sub-condition (vii) has been newly substituted for previous one vide notification referred in notes below condition 4 (n). Sub-condition (vii) has been substituted vide notification referred in the notes below condition 6.

8. *Restrictions on allotment.*—In the area to be irrigated by lift irrigation, no tenant shall be allotted more than 25 bighas of irrigated or 75 bighas of Barani land, and the area to be irrigated by flow irrigation, no tenant shall be allotted more than 25 bighas of irrigated or 50 bighas of Barani land, but there will be no bar for re-allotment of the same plot of land to the same person at the end of the term, if the tenant is otherwise eligible for the same.

*Notes.*

Condition 8 has been newly substituted for previous one vide notification referred in the notes below condition 6.

9. *Advance to be held as security*—(1) No person shall be allotted land under this statement unless and until he shall have paid to the Government [the lease amount in advance] or a reliable surety or security for an equal amount.

(2) Such surety shall be to the satisfaction of the Tehsildar for regular and timely payment of the amounts due to Government under these conditions and whenever the Tehsildar may require him to do so such person shall replace the original surety by a new one to the satisfaction of the Tehsildar.

*Notes*

Sub-condition (2) of condition 9 has been substituted for the previous one vide notification referred to in notes below condition 4 (n).

Words "the lease amount in advance" appearing in brackets in sub-condition (1) of condition 9 have been substituted for the previous words "an advance not exceeding lease amount for one year" and the last two sentences, appearing previously have been deleted vide amending notification referred in the notes below condition 4 (n).

*Surety may be substituted by a security.*—Provided that no such surety shall be required if the tenant deposits security in such amount as the Collector may determine in the forms of cash, Government bonds or a fixed deposit receipt of a bank approved by Government.

10. *Rights of the tenant.*—(1) Except as otherwise provided, the lease shall be deemed to include the exercise and use of all rights easements and appurtenances belonging and appertaining to the land and the tenant may take to himself all natural products growing on the surface of the land;

Provided that :—

(i) *Trees and Brushwood*.—If the land leased was unoccupied and had not been under cultivation before the commencement of the lease and to reclaim and make it fit for cultivation it is necessary for the tenant to clear off the trees and brushwood growing thereon the tenant may, with the previous permission of the Sub-Divisional Officer, cut and remove such of the trees and brushwood, as the said Sub-Divisional Officer may determine to be absolutely necessary to render the land fit for cultivation.

(ii) if any land has already been cultivated before the commencement of the tenancy the tenant shall not cut, without the previous permission of the Sub-Divisional Officer any tree standing on the land at the commencement of the tenancy.

(2) After obtaining permission under the above provisos the tenant shall cut its trees in such manner as to leave standing on the land five times as many trees as there are killas or Bighas in the land. The trees to be so left standing shall be mature once and will as far as possible be left on or along the Batbandi line of each killa or along the water-course of the land.

(3) After obtaining permission under the above provisos, if required, the tenant shall pay to Government such value of the trees and brushwood existing on the land at the commencement of a tenancy as may be determined by the Sub-Divisional Officer or the Collector, as the case may be, and such sum shall be paid either in advance or in equal half-yearly instalments during the term of the tenancy, the first instalment being payable with the first instalment of lease money.

(4) Any tree not cut before the expiry of the term of the tenancy and any tree or trees cut but still lying on the land when the period of the tenancy expires shall be the property of the Government.

11. *Improvements*.—The tenant may construct such temporary buildings and similar improvements as may be necessary for purpose of cultivating the land to best advantage.

12. [Omitted].

#### Notes.

Condition 12 stands omitted vide notification referred in the notes below condition 4 (n).

13. *Time and place of payments of lease-money*.—The tenant shall make payments of all instalments of his lease money, Patwarfund, Malba and water-rate on or before the date on which instalments of rent or land revenue in the Tehsil, in which the land is situated, are payable and such payments shall be paid during working hours at the nearest Government treasury or sub-treasury and to such person or persons and at such times and places as the Government or the Collector may, from time to time, appoint.

14. *Use of land*—The tenant shall occupy the land within one month of the date on which the bid has been sanctioned and there after level and sow during each cultivable season with a canal irrigated crop in not less than half of the land, if the said land is irrigated, or the whole of it with an unirrigated crop if the land is Barani.

15. *Harm or damage to land*.—The tenant shall not use the land or any part thereof in a manner liable to harm it or lessen its value or use, cultivate or manage the land in any way liable to make it unfit for agricultural purposes or do or suffer to be done any act in consistent with or injurious to any of the rights excepted and reserved to the Government.

16. *Restrictions on assignments*.—The tenant shall not sub-let assign or transfer by mortgage, gift or otherwise or part with the land or any part thereof in any manner whatsoever or have its Khudkasht through labour hired by way of share-in-crops.

17. *General Covenants*.—The tenant shall be and remain bound by the following obligations and shall be deemed to have entered into a covenant for their due performance or observance:—

(1) *Entry of Government officers*.—To permit without let or hinderance all officers or servants of the Government and all other persons duly authorised by Government in that behalf to enter the land or any building thereon at all times and do all acts and things necessary for or incidental to—

(a) the purpose of enforcing compliance with any of the terms or conditions of the grant, or of ascertaining whether they have been duly performed or observed, or

(b) any purpose connected with full enjoyment discovery and use of the rights served to the Government.

Provided that no residential building shall be so entered except at a reasonable time and after twenty-four hours notice.

(2) *Public rights and easements*.—Not to interfere with the lawful use by the public and land holders of the village or chak of any thorough-fare on the land to which the grant relates or with the exercise by any third person of any rights and easements existing thereon at the time of the grant or which the grantee is bound by the terms of the grant to create or allow.

(3) *Boundary Marks*.—At his own cost, when so required by the Collector, to erect permanent marks on the lands hereby leased, demarcating correctly the boundaries and limits thereof and at all times maintain the same in good repair in accordance with any directions from time to time issued by the Collector.

(4) *Disclosure of information*.—To disclose by written acknowledgment to the officer authorised to grant the lease when it is applied for—



- (i) if he is in the service of the Government; or
- (ii) if he or any member of his family or any of his co-sharers in any other tenancy has previously received from the Government any lease or grant of land; and
- (iii) such other information or informations as the Government may from time to time, in the rules prescribed for grant of land to which this act has been applied required to be disclosed.

*Explanation.*—In this clause expression “member of his family” means the wife or any decedant of the grantee or of his paternal grandfather or father, and such other person, who is or has been a member of the joint family of the grantee on or at any time after 31st December, 1947.

(5) *Construction of Water-courses.*—Restrictions for :—Not to construct or alter any canals, water-courses or drainage channel upon the land without the permission of a competent canal officer.

(6) *Rectangulisation of fields.*—To carry out at his own cost Batbandi of his fields for purposes of rectangulisation thereof.

(7) To pay such amount towards the cost of the survey and demarcation of the land of the village or chak as the Collector or a canal officer may determine whether the cost has already been incurred at the time of lease or may be incurred thereafter.

(8) *Construction of water-courses culverts, bridges etc. and roads.*—When called upon by the Collector:—

(a) to construct at his own expense any water course on the chak in which the land is situated and from which a supply of water is available for the land, or any road, path, culvert or bridge, necessary for the general convenience of the land-holders of the chak or village in which the land is situated, and to maintain them in good repairs, or

(b) to pay such amount towards the cost of the construction and maintenance as the Collector or a Canal Officer may determine, whether the cost has already been incurred at the time of grant or may be incurred thereafter,

(c) When the grantee fails to construct or maintain in good repairs any water-course, road, path, culvert or bridge the Collector may after 15 days, notice to him get the said water-course, road, path, culvert or bridge, constructed or repaired departmentally or through a contractor or through such agency as he deems fit and recover the cost thereof from the grantee as arrears of land revenue.

18. *Surrender* —(1) In either of the following events :

(a) if the land or any portion thereof is at any time before the expiry of the lease period required for any public purpose or for the construction repairs and maintenance of Railway and roads or any work connected therewith or for permanent allotment to any other tenant or for reclamation operations or

for the exercise of mineral rights herein excepted and reserved to the Government, or

(b) if it should be found that the whole or any part of the land has already been allotted or demised to any third person, the tenant shall, within 30 days from the issue of notice by the Collector, peacefully surrender the whole or so much of the land as may be required on demand by the Collector or by the previous grantee, as the case may be.

(2) The tenant shall, on demand by the Collector, for purposes of rectangulisation of fields, consolidation of holdings or propagation of an improvement scheme, peacefully surrender wholly or in part, or exchange it elsewhere as nearly as may be equal in value to the land surrendered and on the same terms and conditions, the said terms and conditions to apply in like manner as if the land taken in exchange has been originally leased.

(3) A tenant shall at the expiry or termination of the tenancy leave the land and surrender it peacefully to Government and during the concluding season of the tenancy shall not sow any crop of the succeeding season but shall permit any person duly authorised by the Collector to cultivate crops on the said lands.

(4) No compensation shall be payable to the tenant for any surrender under this condition but no lease-money or other outgoings shall be chargeable from him according to the area of the land surrendered.

19. *Determination of tenancy.*—In the following events :—

(i) If the tenant commits any breach of or fails to perform any terms and conditions of the tenancy or suffers or permits such breach or non-performance, or

(ii) if the tenant is declare insolvent, or

(iii) if the tenant is from the commencement, or becomes during the continuance, of the tenancy a Benamidar, holding the lease wholly or partly on behalf of, or paying the profits wholly or partly to, an undisclosed beneficiary, or

(iv) if the tenant makes default in the timely payment of any sum of money due to Government in connection with the land included in the tenancy or any other land belonging to the defaulter,

(v) if the tenant wilfully causes a breach of the canal or distributory or commits a gross and repeated encroachment or trespass on any of the areas reserved for village forest, Charagah or unallotted village site and on any public roads or through-fare;

The Collector may at any time terminate the lease and thereafter re-enter upon the land, in which case the tenant shall nonetheless make all the payments which would be otherwise due from him for [the period] of his tenancy but shall be entitled to a deduction or refund thereof out of any sum which the Government may receive

from any other tenant in respect of the land for any portion of that period, but shall not be entitled to any excess:

Provided that such termination of the tenancy shall not prejudice any right of action or remedy of the Government in respect of any antecedent breach of these conditions by the tenant:

Provided further that where any breach of condition is of a nature of an omission to do or perform any act and any such act can be done or performed through departmental agency, the Collector may, at his discretion, and without prejudice to any other rights conferred on the Government or any other action taken against the defaulter under the Act or this statement, order that the said act be got done or performed departmentally and recover the cost incurred thereon from the tenant as arrear of land revenue.

20. *Notice by tenant.*—The tenant may determine the tenancy at the end of any Rabi or Kharif season by notice given in writing to the Collector in the manner provided hereunder :—

(i) if the tenancy is to be determined at the end of the Rabi season, by notice given not later than the fifteen day of January;

(ii) if the tenancy is to be determined at the end of the Kharif season by notice given not later than the first day of June.

21. *Compensation.*—(1) No compensation or claim for improvement shall be payable by Government to the tenant or another tenant to whom the land may be allotted thereafter in respect of the exercise of any of the rights reserved in these conditions or on the termination of the tenancy or on the surrender of any part of the land except such compensation as may be assessed by the Collector for actual damage caused to any property of the tenant by an act or negligent omission of any person duly authorised to enter the land in exercise of the mineral rights reserved to Government; provided that the tenant may remove any structure and take away its material and, if so required by the Collector, pull down or remove any such structure and deliver the land in a level state and as in its former condition.

(2) On exchange no compensation shall be payable to the tenant if the land allotted in exchange is of a lesser value than the land resumed from him. A proportionate reduction may, however, be made by the Collector in the lease amount to be paid by the tenant as the Collector may consider to be equitable.

(3) *Decision of Collector final.*—The decision of the Collector as to whether any damage has been occasioned to the grantee and, as to the amount of compensation to be paid shall be final and binding upon the parties and each of them.

(4) *Grantee to be heard.*—When any claim for compensation arises the officer assessing the amount of the compensation shall give the tenant an opportunity of being heard.

(5) *Government dues to be realised from compensation.*—When any sum becomes due to the tenant by way of compensation, any money due to Government in respect of the grant shall be deducted therefrom; and if Government has any unsettled claim against the tenant, the sum due by way of compensation may be withheld until the claim is settled.

22. *Arbitration.*—(1) If any dispute arises which is in any way connected with or arising out of the conditions of tenancy, or the meaning or operation of any part thereof or the rights, duties or obligations of Government or tenant then save in so far as the decision of any such matter has been hereinbefore provided for and has been so decided, every such matter shall be referred to the arbitration of the Commissioner including the following questions :—

(a) Whether any other provision has been made in this statement of conditions for the decision of any matter and if such provision has been made, whether it has been finally decided accordingly, and

(b) Whether that tenancy should be terminated or has been rightly terminated, and what are the rights and obligations of the parties as the result of such termination.

(2) The decision of the Commissioner shall be final and binding; and when any of the matters above mentioned involves a claim for or the payment, recovery or reduction of money, only the amount so decided shall be recoverable in respect thereof.

23. *Exercise of powers.*—(1) If there is any Colonization Officer appointed under that title for the area in which the land is situated, the powers or functions conferred on the Collector by these or any special conditions, shall be exercised by such officer, unless Government otherwise directs.

(2) *Delegation of powers.*—Government may direct that any of the power or functions conferred on the Collector or Commissioner or conferred on or reserved to Government shall be exercised by such officer as may be specified by any general order.

By Order of  
His Highness the Rajpramukh,  
R. N. HAWA,  
Secretary to the Government.

(English Translation authorised by the Governor)

IRRIGATION, COLONISATION & MANDIES DEPARTMENT  
NOTIFICATIONS

Jaipur, September 2, 1958.

No. F. 6 (19) Rev. B/58/Irg.—In exercise of the powers conferred by section 28, read with subsection (1) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and by sub-section (2) of section 7 of the said Act, the Government of Rajasthan is hereby pleased to direct that the following amendments shall be made in the Rajasthan Colonisation (Temporary Cultivation Leases) Conditions, 1956, namely:—

AMENDMENTS

(1) The following shall be inserted as clause (n) of condition No. 4:—

“(n) “Landless tenant” means a *bona fide* agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally and does not hold any land or 50 bighas of unirrigated land under proprietary, Mauroosee or khatedari rights in his own name or in the name of any member of his joint family and is not a sub-tenant of any land owner or land holder holding khatas under proprietary, mauroosee or khatedari tasures, not liable to ejection under the provisions of the Rajasthan Tenancy Act, 1955 or of any law for the time being in force in the area in which the land is situated and includes a displaced person who has been registered as such before 1st January, 1955, and has not been allotted any land either out of the evacuee pool or otherwise”.

(2) The following shall be substituted for conditions Nos. 6, 7 and 8:—

“6. *Procedure, of Leases*—(1) Unoccupied Government lands may be leased out on Temporary Cultivation leases for a period not exceeding three years at a time at Rs. 4/- per bigha, if the land is irrigated, and Rs. 1/- per bigha, if it is Barani, and for purposes of giving out such leases the Tehsildar will fix dates for allotment of unoccupied Government lands in each village on the conditions set forth under this statement and shall notify them in the concerned village and the villages adjoining thereto by pasting notification thereof at a central place of the village not less than 10 days before the date of allotment.

(2) In case there are more than one applicant of the same category for the same piece of land, the land will be leased out by auction of highest rental payable annually and will be sanctioned in favour of the highest bidder but where a lease is refused to the highest bidder it shall for reasons to be recorded in writing, be given to this next bidder.

*Explanation:—*Non-payment of Government dues in the past without sufficient reasons, insolvency, being in possession of 25 bighas or more of irrigated or 50 bighas or more of unirrigated land by way of a tenure tenancy or a temporary cultivation lease or being a shareholder and copartner in a similar tenancy or having become landless by transferring his tenure land after 31st March, 1955, or not being a permanent resident of Rajasthan, shall be deemed to be a valid reason for purposes of this condition for not giving a lease.

7. *Persons eligible.*—The following persons shall be eligible to apply for grant of agricultural land on lease under Condition No. 6, and allotment will be made to them in the order of priority given below:—

(i) *Bona fide* landless agriculturists residing continuously in the same village since before 1st April, 1955.

(ii) A person with qualifications as in (i) but residing in a neighbouring village situated within the Rajasthan Canal Project.

(iii) A person with qualifications as in (i) but residing in a village coming within the Rajasthan Canal Project in the same Tehsil.

(iv) A person with qualifications as in (i) but residing in a village outside the Rajasthan Canal Project, but within the same tehsil.

(v) A person with the qualifications as in (i) but residing in a village of the same district.

(vi) A person with the qualifications as in (i) but residing in a village of the same division:

Provided that a landless tenant having less than 25 bighas of irrigated or 50 bighas of unirrigated land will have preference in allotment to the extent of deficiency over other landless tenants of same category:

Provided further that a person residing continuously since before 1947 shall have preference over a person of the same category residing from a later date.

(vii) Any landless agriculturist residing in any part of Rajasthan:

Provided that in case of auction no person shall be allowed to bid at the auction unless he has deposited a sum of Rs. 5/- per bigha as earnest money for honouring his bid.

*Explanation:—*For the purpose of allotment under these conditions, joint family will be considered as one person and no separation effected after 31st March, 1955, will be taken into consideration.

“8. *Restrictions on allotment.*—No tenant shall be allotted more than 25 bighas of irrigated or 50 bighas of Barani land but there will be no bar to reallocation of the same piece of land

to the same person at the end of the term if the tenant is otherwise eligible for the same."

3. In condition 9:—

(a) in sub condition (1) for the words "an advance not exceeding lease amount for one year", the words "the lease amount in advance" shall be substituted, and the last two sentences shall be omitted;

(b) for sub-condition (2) the following shall be substituted :—

"(2) Such surety shall be to the satisfaction of the Tehsildar for regular and timely payment of the amounts due to Government under these conditions and whenever the Tehsildar may require him to do so such person shall replace the original surety by a new one to the satisfaction of the Tehsildar."

(4) Condition No. 12 shall be omitted.

(5) In condition No. 19, for the words "due from him for two years of his tenancy", the words "due from him for the period of his tenancy" shall be substituted.

# THE RAJASTHAN COLONISATION (Model Villages and Farms by Literates) CONDITIONS, 1955

REVENUE DEPARTMENT  
NOTIFICATION.

*Jaipur, August 28, 1956*

*No. F. 6 (224) Rev. A/55.*—In exercise of the powers conferred by section 28 read with sub-section (1) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) and by sub-section (2) of section 7 of the Said Act the Government of Rajasthan is hereby pleased to prescribe the following conditions as the special conditions on which land may be granted in a colony *for the purposes of grant of land for model villages and farms by literates*, and further to direct that these conditions shall be regarded as a statement of special conditions for the above-mentioned purposes under sub-section (2) of the said section 7.

*Notes.*

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act. Sub-section (1) and (2) of section 7 of the Act provides that, " (1) The State Government may grant land in a colony to any person on such conditions as may be prescribed.

(2) The State Government may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

These rules provide for Special Conditions on which land may be granted in a Colony for the purposes of grant of Land for model villages and farms by literates.

1. *Title.*—This statement of conditions may be called the Rajasthan Colonisation (Model Villages and Farms by Literates) Conditions, 1955.

2. *Application of the Act and provisions of general Colony Conditions.*—The Statement is issued subject to the provisions of the Rajasthan Colonisation Act, 1954, and its conditions shall be in addition to and in supplement of such of the conditions of the Rajasthan Colonisation (General Colony) Conditions, 1955, as are set out in the second schedule to this statement, and all grants of land under this statement whether by way of Ghair-Khatedari rights or tenancy or conferment of Khatedari rights or otherwise, and whether made under this statement or any subsequent statement, shall be subject to the provisions of the said conditions so far as they are applicable thereto, and save in so far as they may be expressly modified, abrogated or supplemented by subsequent statements of conditions made applicable, from time to time, to any particular part of the State, class of lands or to any class of persons.

3. *Interpretations.*—(1) All expressions used in this Statement of conditions, except those defined hereinafter, shall, unless the contrary appears from the context, bear the meanings assigned to them in the Rajasthan Colonisation (General Colony) Conditions, 1955.

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*These rules have been first published in Rajasthan Raj-patra Dated September 20, 1956 in part IV (c) at page 571*



(2) "The land" and "the said land" shall, so far as a separate grant is concerned, be deemed to apply to and designate the lands included in that grant,

(3) "Literate" shall mean a Graduate in Agricultural Science.

4. *Grants to be impartible.*—All grants on the conditions set forth in this statement shall be of 100 Bighas or 4 Murrabas each of commanded and irrigable area and shall be impartible holdings and shall, after conferment of Khatedari rights thereon on the original grantee, devolve upon a single person only in accordance with the rules set forth in the first schedule annexed to this statement of conditions.

Provided that—

(i) *Successor to be approved by the Collector.*—except in the case of the wife of a deceased grantee, who shall only have a life-time interest in the grant, the successor to the grant shall always be a literate and that such successor shall be approved and accepted by the Collector;

(ii) *When Collector not to refuse a successor.*—the Collector shall not refuse to approve and accept as a successor to the grant any person who undertakes in writing to be bound by and to observe all the stipulations of this statement unless the said person is, in the opinion of the Collector, unfit to succeed to the grant on account of the following reasons:—

*Explanation:*—(a) Insolvency,

(b) Idiocy,

(c) Permanent physical disability, which renders him unfit to manage the grant properly or to give effect to the conditions of this statement.

5. *Effect of death of grantee during Ghair Khatedari tenure.*—If and when the grantee dies, during the continuance of his Ghair Khatedari tenancy and without having acquired Khatedari rights in the lands, the grant shall lapse to Government and all rights conferred on the tenants by these conditions shall be extinguished:

Provided that—

(1) *Permissible succession-(a) by literate successor.*—If his successor is also a literate and undertakes in writing to run the farm on the conditions of this statement, and for the due observation thereof, the Collector may allow the grant to be continued in his favour;

(2) *By minor Successor.*—if the tenant leaves only a minor son or son's son only the grant may be allowed by the Collector to continue in his favour till such son or sons' son has attained an age of 21 years or has attained such academic qualifications (as would qualify him as) a literate for the purposes of this statement whichever is earlier, but during the period of his minority the Collector shall appoint a

literate guardian for the purposes (of these conditions on such remuneration as he may be deemed proper), to manage the grant during the minority;

(3) *By Widows*.—if the tenant has died without leaving a male lineal descendant but has left a widow or widows, the Collector, may, in his discretion—

(i) permit the senior, or any other widow if the senior widow is unfit to succeed, to retain a life-time interest in the tenancy subject to due observance of all stipulations of this statement, or

(ii) re-allot the lands—

(a) to another literate on payment of such compensation for improvements made, buildings constructed and trees grown by the deceased grantee to the widow or widows of the deceased grantee as the Collector may determine, the decision of the collector with regard to the compensation to be paid being final and the new grantee being required to deposit the compensation with the Collector before he is allowed to take possession of the lands, or

(b) on his giving a written undertaking, to the satisfaction of the Collector, to make a suitable provision for the proper maintenance, out of the tenancy, of the widow or widows of the grantee and in such case the Collector may do all acts and things which may, from time to time, be necessary to enforce any undertaking given under this condition.

6. *Purpose of grant*.—The grant shall be for the sole purpose of agriculture and shall not be used for any building purposes, except with the permission of the Collector for building houses for the residence of the grantee himself, as may be absolutely necessary for purposes of cultivating the land to best advantage.

7. *Special Covenants*.—The grantee, whether by way of Ghair-Khatedari tenancy or conferment of Khatedari rights or otherwise, shall be and remain bound by the following additional obligations and shall be deemed to have entered into a covenant for their due performance and observance:—

(1) *Self-cultivation*.—To cultivate the whole land with his own hands but he shall be allowed to employ paid labour, except labour employed by way of share-in-crops, to assist him in doing so.

(2) *Advice of Agriculture Department to be followed*.—Always to follow the advice of the Agriculture Department if given, regarding the sowing of improved seeds, use of improved implements and methods and manure and fertilisers.

(3) *Use of Improved Seeds*.—To sow in the lands only improved seeds recommended by the Agriculture Department and for this purpose either purchase seed annually, or on each crop, from the Agriculture Department or from its seed agencies or from firms and other agencies recommended by it or retain in hand sufficient quan-

ties of improved variety of seeds from his own produce to provide for his seed requirements for the succeeding year or crop.

(4) *Use of Improved Implements.*—To provide and use improved implements as may be supplied or recommended by the Agriculture Department provided that a minimum number of improved implements on the following scale shall always be maintained by the grantee per square or 25 bighas of his land:—

(a) one furrow-turning plough of the type recommended by the Agriculture Department,

(b) one bar harrow,

(c) one Rabi drill (preferably of the automatic type, in which case one per two squares will be sufficient),

(d) one Kharif drill.

5. *Maintenance of bullocks etc.*—To maintain two pairs of bullocks or two camels per square of land allotted.

(6) *Line sowing of Wheat and Cotton.*—To sow all wheat and cotton crop by drill in lines as recommended by the Agriculture Department.

(7) *Breaking of Land after harvest.*—To break up initially all land after harvest by using a furrow-turning plough.

(8) *Use of Improved manure.*—To use in all his lands such fertilisers or green or composted manure as the Agriculture Department may, from time to time, recommend and when so required by the said Department to green manure annually not less than 5 bighas per square of his lands.

(9) *Sale of produce to Agriculture Department.*—To give the Agriculture Department first preference to purchase for its seed requirements all pure seeds grown on the grant and surplus to his own requirements; such seed shall be purchased by that Department at the price which is the current rate for sale of ordinary seed at the nearest Mandi on such dates plus such premium as the Director of Agriculture may, from time to time prescribe.

(10) *Manure pits and Compost.*—To store all farm-yard manure carefully in a properly constructed pit or pits and either collect in the same pit or compost in a separate pit or pits—all available waste matter on the holding.

(11) *Roughing of crops.*—To carry out periodical "roughing" of his crops as the Agriculture Department may advise.

(12) *Control of pests and Diseases.*—To adopt at his own cost such measure for the control of insect pests, crop diseases, and noxious weeds as the Agriculture Department may advise, or prescribe from time to time

(13) *Multi-purpose Farming.*—To maintain at least five good breeding cows or she-buffallows with himself and to maintain, jointly with other tenants of the estate, a bull approved by the Veterinary Department and, when so required by the Collector, to maintain on his Farm such Poultry or sheep-breeding units as may be prescribed

by the Collector but it shall be at the option of the tenant to maintain both the classes of units or either of them as may suit him.

(14) *Alienation*.—Not to sublet at any time of his tenure the lands or any part thereof, or transfer or attempt to transfer the possession thereof or any right, title or interest therein or create or attempt to create any charge thereon.

8. *Resumption of Grant*.—If the grantee fails or neglects to perform or observe in whole or in part any of the conditions contained in condition 7 of this statement or if he, without sufficient reasons to the satisfaction of the Collector, voluntarily gives up maintenance of a Model Farm envisaged in the said condition, then the Collector shall be entitled to cancel the grant and eject the grantee forthwith and resume the grant without payment of any compensation and the grantee shall be responsible for payment of rent of the lands for 5 years from the date of the resumption of the grant.

9. *Free technical advice*.—The grantee shall be entitled to free technical advice of the Agriculture Department and its officers.

By Order of  
His Highness the Rajpramukh,  
R. N. HAWA,  
*Secretary to the Government.*

## SCHEDULE

### *Rules of succession to grants under "Model Village and Farms by Literates Conditions" 1955.*

1. For the purposes of these rules, unless there is something to the contrary in the subject or context—

(a) "son" means a legitimate son, or an adopted son where, in accordance with customary or other law applicable to the parties, such adoption would be valid and would confer the right to succeed to ancestral immovable property held by the adoptive father;

(b) "Descendant" means a legitimate male descendant in the male line.

2. Upon the demise of the tenant, the grant shall devolve in accordance with the following order—

(a) If the deceased grantee has made any gift or will in favour of any surviving person who is a literate, the grant shall devolve upon such person.

(b) If clause (a) does not apply and there be an only son or an only son of an only son, such son or son's son, as the case may be and so on.

(c) If there be more sons than one and clause (b) does not apply, the eldest son, or, if the eldest son be dead, his eldest son (if any), as the case may be, and so on until all the descendants of the eldest son shall fail.

(d) Where clauses (a) and (c) do not apply, the second son of the grantee or if the second son be dead, his eldest son,

as the case may be and so on until all the descendants of the second son shall fail.

(a) The succession of other sons (if any) of the last tenant and their descendants shall be in accordance with the principles mentioned in clause (d).

3. (1) If the last tenant leaves no legitimate male descendants in the male line, the tenancy shall pass to his widow, or where there shall be more than one widow, to such widow, hereinafter called the senior widow, as was married to the said tenant first in order of time.

(2) Where the tenancy has passed in accordance with the rule to the senior widow, the Collector shall have power to determine the amount of maintenance payable to each other widow of the last tenant and the time or times of payment of such maintenance, and such maintenance be paid by the senior widow to each other widow at the time or times so fixed; and in default the Collector shall have power to terminate the tenancy of such senior widow.

(3) On the demise or earlier termination of the tenancy of the senior widow, the tenancy shall pass to the next senior widow subject to the like condition as to maintenance in favour of any other widow.

(4) The widow for the time being holding the tenancy shall held the same, and where the tenancy has passed to the senior widow or next senior widow; each other widow shall be entitled to the maintenance fixed in accordance with this rule for life time or until remarrige, till the Collector by order in writing terminates her tenancy or directs the maintenance to be no longer payable.

(5) In the case of failure of a succeeding grantee to carry out the conditions of tenancy to the satisfaction of the Collector, the Collector may at any time, for reasons to be recorded in writting, order that such tenancy shall pass to the person next entitled to succeed on the condition that such person shall pay to any widow of the deceased grantee such amount of maintenance as the Collector may fix.

4. Any order passed by the Collector under these rules shall be subject to appeal, review or revision in accordance with the provisions of the Rajasthan Tenancy Act.

### SCHEDULE

#### "MODEL VILLAGE AND FARMS BY LITERATE" CONDITIONS, 1955.

*Provisions of General Colony Condition, 1955 that would be applicable to the grants under this statement.*

Condition No.

Subject.

4. Interpretation of other statements of conditions or written instruments.

5. Registration of Deeds.
6. Selection of Tenants.
7. (1) Mineral Rights.
- (2) Area excluded.
8. (1) Right to construct or alter a water course.
- (2) Right to create a Right of way or construct village roads.

*Grant of interest in land.*

9. (1) Procedure for acquisition of rights.
- (2) Payment of purchase money pre-requisite.
- (3) Right to be acquired in whole grant, not part.
10. Withdrawal of Khatedari rights.
11. Grant of rights in village site.
12. Grant to include easements, etc.
13. Tenants rights on product of land.

*Obligations of a Grantee.*

14. (1) Regular payment of Government dues.
- (2) Government to prescribe rent and land revenue.
- (3) Outgoings and payments by way of land revenue.
15. (1) Nazrana and purchase-price.
- (2) Payment of Nazrana in instalments.
- (3) Default of Nazrana instalments.
16. Time and place of payments.
17. (1) Use of land.
- (2) Against injury to reserved rights.
- (3) Entry of Government Officers.
- (4) Public rights and easements.
- (5) Boundary Marks.

*Condition No.*

*Subject.*

17. (7) Surrender for public purpose etc.
- (8) Power to resume lands for roads and Railways.
- (9) Exchange of Tenancy.
18. (1) Construction of masonry well or reservoirs.
- (5) Village Forest.
20. (1) Injury to Land.
- (2) Permanent cultivation.
- (4) Notice by tenant.
- (5) Construction of water courses—Restrictions on.
- (6) Rectangulisation of Fields.
- (7) Survey and demarcation of land.
- (8) Construction of water courses, culverts, bridges and roads.
- (9) Plantation of trees.
- (10) Removal of trees and brushwood.

*Penalties for breach of Conditions.*

- 22. Penalty for non-payment of outgoings and rents.
- 23. Penalty for breach of conditions.

*Compensation and Arbitration of disputes.*

- 25. (1) Compensation.
  - (a) For damage by exercise of reserved rights.
  - (b) For resumption of grant.
  - (c) For exchange of land.
- (2) Decision of Collector—final.
- (3) Grantee to be heard.
- (4) Government dues to be realised from compensation.
- 26. Arbitration.

*Miscellaneous.*

- 27. (1) Exercise of powers.
- (2) Delegation of powers.

# Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956

Revenue Department

NOTIFICATION

Jaipur, January 3, 1957.

No. F. 6 (34) Rev. II/56 — In exercise of the power conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954, (Act No. XXVII of 1954), the State Government is hereby pleased to make the following rules, namely, The Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956.

1. *Short title, Commencement and extent of applicability:—*

(1) These Rules may be called the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956.

(2) They shall come into force at once.

(3) These Rules shall apply to commanded and un-commanded land in the Gang Canal area.

*Notes.*

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act. Section 7 of the Act requires the State Government to prescribe conditions on which it may grant land in a colony to any person. These rules are meant for grant of land in Gang Canal Colony.

The Present sub-rule (3) of Rule 1 has been substituted through an amendment vide Notification No. F. 6 (34) Rev. (A)/B/54 dated 12th November, 1957 from revenue (B) Department, published in Rajasthan Raj-patra Part IV (Ga) dated 28 November, 1957.

2. *Interpretation.*—In these rules the word “zamindar” shall have the same meaning as given in the Rajasthan Tenancy Act, 1955 (Act 3 of 1955).

3. *Persons eligible for allotment of land.*—(1) The persons eligible for allotment of lands, on a permanent basis, shall be the following, in the order of priority in which they are mentioned hereunder, namely :—

(i) Tenants who have been cultivating land temporarily on the basis of three years girdawari since before 1947 and

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*These rules have been first published in Rajasthan Raj-patra Dated February 21 1957 in part IV (c) at page 837.*



who cultivate or can reasonably be expected to cultivate personally;

- (ii) Zamindars who held, on or before the 1st day of July 1947, less than 25 bighas of perennial land or less than 50 bighas of non perennial irrigated land.
- (iii) Tenants who were allotted land for the first time in 1952 for temporary cultivation on the basis of three years' girdawari, such allotment having been continued in subsequent years and who cultivate or can be reasonably expected to cultivate their land personally;

*Explanation.*—It is not necessary that a tenant should have been continuously cultivating the same piece of land on temporary cultivation lease; if he has been holding land on temporary cultivation lease any where in the Gang Canal area and has been cultivating it personally, he shall be eligible for permanent allotment of land under this clause.

- (iv) Tenants who have been cultivating land since before 1947 either under a lease or on batai;
- (v) Tenant who have been cultivating barani land in the same chak or tehsil since before 1947;
- (vi) Tenants who hold barani land;
- (vii) All ex-members of the Armed Forces of any of the integrating States of Rajasthan or of India including members of the I. N. A. whose homes are situated within the territory of Rajasthan shall be entitled to apply for allotment. They shall however not be allowed to exchange the allotted land for any other land for a period of 15 years from the date of allotment.
- (viii) Other persons applying for allotment under these rules;

(2) Zamindars holding small patches of land below seven killas within their square may be sold land in accordance with the rules.

(3) Unless otherwise expressly provided, the provisions of this rule shall be subject to the provisions contained in rule 4.

*Notes.*

The clauses (i) & (ii) of sub-rule (1) of Rule 3 are inserted as amended by notification No.F. 6 (34)Rev./B/54—Irg. dated 22nd August, 1958, published in Rajasthan Raj-patra, part IV (Ga) dated 4th September, 1958.

Explanation to clause (iii) of sub-rule (1) has been inserted vide Revenue (B) Department Notification No. F. 6 (40) Rev. B/Gr. I/61 dated May 17, 1962 published in Rajasthan Raj-patra, supplement to No. 12, part IV (C) dated June 12, 1962.

4. *Extent of allotment*—(1) to every person eligible for allotment under rule 3 the maximum land that may be so allotted shall, subject to availability, not exceed 25 bighas of perennial land or 50 bighas of non-perennial irrigated land :

*Provided that* :—

- (a) a zamindar holding land as such in excess of the scale specified in this rule shall continue to hold the same and shall receive no further allotment;
- (b) any tenant holding land for temporary cultivation or holding or cultivating barani land shall surrender the same to the Government upon allotment of other land on permanent basis to the full extent permissible by this rule;
- (c) In considering the extent of land to be allotted under these rules the total area of land already held by the applicant, whether in this State or in any other State in India shall be taken into account.

*Explanation.*—A joint and undivided family shall, for the purpose of existing holdings and of allotment of lands under these rules, be deemed to be one person and dealt with accordingly.

A family shall be treated as a divided family only if the land is shown in separate names in the Patwar records prior to the year 1952 A. D.

(2) Where both perennial land and non-perennial or Barani land is held by, or allotted to, the same person, one bigha of perennial land shall, for the purpose of determining the area so held or allotted, be deemed to be equivalent to two bighas of non-perennial land or three bighas of Barani land.

*Notes.*

Clause (c) of sub-rule (1) has been newly inserted vide notification referred to in rule 3 dated May 17, 1962.

5. *Application for allotment of land.*—(1) Every person, eligible for allotment of land on a permanent basis under these rules, shall submit his application by February 28th, 1959.

(2) Every application under sub-rule (1) shall be accompanied by an affidavit from the applicant stating the facts which make him eligible for allotment and a complete description and specification of the land sought to be allotted.

(3) An application under these rules shall be presented to the Tehsildar within whose Tehsil the land, which is the subject matter of the application, is situated.

(4) The Tehsildar shall, after making necessary enquiry as to the eligibility of the applicant, submit all applications, with his report on each, to the Collector for final orders.

*Notes.*

Sub-rule (1) of rule 5 was substituted by Notification No.F. 8 (396) Rev./B/58. Irg. dated 5/11/58 published in Rajasthan Rajpatra, part IV (Ga) dated 11th December, 1958.

6. *Allotment.*—(1) On an application for such allotment, the Collector shall consider such application on its own merits and shall, if satisfied that the applicant is eligible for allotment of land in accordance with these rules, allot the land applied for, or any other suitable land if available, on payment of price fixed under rule 7 and grant the applicant Khatedari rights therein.

(2) In making allotment of fresh land the Collector shall strictly follow the order of priority laid down in rule 3 and, subject to that order, allotment of land in a particular chak or village shall be made first to the tenants residing in that particular chak or village and failing them, to the tenants residing in the adjoining chak or village.

*Explanation.*—Criteria for determining the residence of a landless tenant in a particular chak or village will generally be the entry made in Malshumari papers and Girdawari; and if the entries

go against the applicant, the burden of proving the residence shall lie on the applicant.

(3) where there are more than one applicant of the same class for any land, it shall be allotted by drawing lots between all such applicants.

(4) The sale of land to the owners of small patches of land referred in sub-rule (2) of rule 3 shall be subject to the payment of price cash down in one instalment within six weeks of the date of allotment.

7. *Fixation and recovery of price.*—(1) The Government shall fix the scales at which the price for land allotted under these rules may be charged, and such scales may be different for different kinds of land.

(2) Such price will be payable in ten equal yearly instalments, the first of such instalments being payable at Tehsil head quarters within a month of the Collector's order for allotment :

Provided that in the event of the total price being paid up forthwith, a rebate at the rate of five percent thereof shall be allowed to the persons making such payment.

Provided further that the Collector may, on application, extend the period mentioned in this sub-rule by not more than six months, or till the date of harvesting of the crop, whichever is earlier, in which event the provisions of clauses (i), (ii) & (iv) of sub-rule (4) shall apply.

(3) In case of default in the payment of the total price of the first instalment thereof within the period prescribed by sub-rule (2), the order for allotment shall be liable to cancellation.

(4) In case of payment by instalments :—

- (i) If any instalment is not paid up on the due date thereof, interest shall be charged thereon at the rate of four and a half percent per annum;
- (ii) if any two consecutive instalments are not paid on the due dates thereof, the order for allotment shall be liable to cancellation,
- (iii) so long as the total price is not paid up, Malikana at the rate of one rupee and eight annas per bigha shall continue to be charged, and

- (iv) until the total price is paid up, the land which has been allotted shall not be alienated.

*Notes.*

Further proviso to sub-rule (2) of rule 7 has been inserted vide Revenue (B) Department Notification No. F. 6(40) Rev. B/Gr. I/61 dated October 26, 1962, published in Rajasthan Raj-patra, part IV (c) dated November 22, 1962.

8. *Reservation of land for Harijans*.—(1) In each Tahsil to which these rules extend, some land on proportionate population basis will be reserved for Harijans out of the total land therein available for allotment.

(2) Every Harijan who is eligible for allotment under these Rules shall be allotted land in accordance therewith. Any Harijan who has been continually residing in the village since before 1952 may be allotted land at the rate of  $12\frac{1}{2}$  bighas if he has a pair of bullocks or camel on the date of allotment or he has been cultivating land as a partner or labour. Such allotments shall be subject to the provisions of rules 4 & 7.

*Notes.*

Present sub-rule (2) stands substituted for the previous one vide Irrigation, Colonisation and Mandies Department Notification No. F. 6 (34) Rev. 11/54-Irg. (ii) dated October 14, 1959, published in Rajasthan Raj-patra, part IV (c) dated December 3, 1959. Previously sub rule (2) stood as under :—

(2) Every Harijan who is eligible for allotment under these rules shall be allotted land in accordance therewith and any Harijan not so eligible may be allowed, out of the land so reserved, land to the extent of  $12\frac{1}{2}$  bighas if he possesses a pair of bullocks or camels or a single bullock or camel and agricultural implements and has on the date of allotment been cultivating land as a partner or as a labourer. Such allotment shall be subject to the provisions of rules 4 & 7.

9. *Special cases*.—Notwithstanding anything contained in these rules the Government may make allotment to any person as a special case.

10. *Appeals*.—Any person aggrieved by an order made by the Collector under rule 6 may, within 30 days of the date of such order, appeal to the Commissioner, whose decision shall be final.

*Notes.*

Rule 10 stands newly added vide Revenue (A) Department Notification No. F. 6 (77) Rev.—1/54 dated September 17, 1957.

By Order of the Governor,  
R. N. HAWA,  
Secretary to the Government.

*Notifications under*

## The Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956.

*Published in Rajasthan Raj-patra part IV (c) at page 33*

Jaipur, July 4, 1960.

No. F. 6 (34) Rev. II/54/Irg-(1):—In exercise of powers conferred by rule 7 of the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956, the State Government hereby fixes the following scales of prices to be charged for the land allotted under the said rules in the area of the Gang Canal Project:—

Category	Area	Price
(a) Perennial irrigated lands.	Tehsil of Ganganagar, Karanpur, Raisinghnagar Padampur and Anupgarh.	Rs. 400/-per bigha. An extra-charge of Rs. 100/-per bigha will be realised for lands situated within a radius of one mile from any Mandi.
(b) Non-perennial lands.	"	Rs. 7,500/-per square or mura-bha of 25 bighas.
Barani Lands.	"	Rs 2,500/-per Square or mura-bha of Barani, on conversion of barani land into irrigated land, betterment levy will also be charged at usual rates.

**THE RAJASTHAN  
COLONISATION (Fruit, and Vegetable Gardens)  
CONDITIONS, 1955.**

**REVENUE DEPARTMENT  
NOTIFICATION**

*Jaipur, November 21, 1956.*

No. F. 6 (224) Rev./B/59.—*Preamble.*—In exercise of the powers conferred by section 28 read with sub-section (1) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) and by sub-section (2) of section 7 of the said Act, the Government of Rajasthan is hereby pleased to prescribe the following conditions as the special conditions on which land may be granted in a colony for purposes of fruits and vegetable gardens, and further to direct that these conditions shall be regarded as a statement of special conditions for the above mentioned purposes under sub-section (2) of the said section 7.

*Notes.*

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act. Sub-section (1) and (2) of section 7 of the Act provides that.

(1) The State Government may grant land in a colony to any person on such conditions as may be prescribed.

(2) The State Government may issue a statement or statements of the conditions on which it is willing to grant land in a colony to tenants.

These rules provide for special conditions on which land may be granted in a colony for purposes of fruits and vegetable gardens.

1. *Title.*—This statement of conditions may be called the "Rajasthan Colonisation (Fruit and Vegetable Gardens) Conditions, 1955."

2. *Application of the Act and provisions of General Colony Conditions.*—This statement is issued subject to the provisions of the Rajasthan Colonisation Act, 1954, and its conditions shall be in addition to and in supplement of such of the condition of the "Rajasthan Colonisation (General Colony) Conditions, 1955," as are set out in the schedule to this statement and all grants of land under this statement whether by way of Ghir-Khatedari tenancy or conferment of Khatedari rights or otherwise, and whether made under this statement or any subsequent statement shall be subject to the provisions of the said conditions, so far as they are applicable thereto, and save in so far as they may be expressly modified, abrogated or supplemented by subsequent statements of conditions made applicable, from time to time, to any particular part of the State, class of lands or to any class of persons.

3. *Interpretation.*—(1) All expressions used in this statement of conditions, except those defined hereinafter, shall, unless the contrary appears from the context, bear the meaning assigned to them in the "Rajasthan Colonisation (General Colony) Conditions, 1955".

(2) "Orchard Block" means a plot of land granted for plantation of fruit trees

(3) "Vegetable Block" means a plot of land granted for cultivation of vegetables.

(4) "Horticulturist" means the officer of the Government incharge of Horticultural work of the area in which the grant is situated or any officer superior to him.

(5) 'grant' means grant of land made in accordance with these conditions and the word 'grantee' shall be construed accordingly.

*Notes.*

Clause (5) of Condition 3 has been newly added vide Irrigation Department Notification No. F. 7 (187) jrrr/60 dated April 27, 1961 published in Rajasthan Rajpatra, Part I (A), dated June 15, 1961.

4. *Purpose of grant.*—A grant made under this statement may be either for plantation of an Orchard or for cultivation of Vegetables.

5. *Restriction on allotment.*—Not more than one block shall be given to any single person or to members of a single family.

6. *Procedure for a acquisition of rights.*—All grants made under this statement shall be initially on a Ghair Khatedari tenancy and by way of a lease for a period of 15 years, from the date of the commencement of the grant. At or after the expiry of this period, the grantee, having paid to the Government all sums and outgoings (including rent, land revenue, soil advantage rate and water rate), each and all of them, due under the provisions of this statement or any other law or rule, general or special, for the time being in force and having duly observed all the stipulations herein contained or imposed by or made applicable to the grant under the provisions of the "Rajasthan Colonisation (General Colony) Conditions, 1955" or any other statement of conditions or any other laws or rules issued by the Government from time to time, shall be entitled to receive from the Government a "Sanod", issued under the signatures and seal of the Collector, conferring on him the rights of a Khatedar tenant on the said lands, provided that thereafter the grantee shall hold and possess the land and every part thereof subject for ever to all provisions to stipulations herein contained and the tenancy shall continue till it is terminated by the operation of law or in accordance with the general or special conditions applicable, thereto:

Provided further that during the continuance of a Ghair Khatedari-tenancy the grantee may, with the permission of the Collector, obtain Khatedari rights at any earlier date, not before seven years from the commencement of the grant in case of a grantee of a vegetable block and not before seven or five years from the commencement of perennial supply of water in the canal in case of grantee of "A" or "B" class Orchard Block respectively, if the Horticulturist has certified that the whole garden has been satisfactorily planted according to approved plan.

7. *Right to be acquired in whole Grant Not port.*—Payment for purchase of Khatedari rights shall be accepted only if made for the whole area of the grant and no grantee shall be permitted to acquire any khatedari rights in a portion thereof,

8. *With holding of rights.*—Notwithstanding anything hereinfore contained, the Collector may refuse to confer Khatedari rights on the grantee—



(1) If during the period of his Ghair- Khatedari tenancy the grantee has neglected or failed to observe or perform any of the conditions herein contained in maintaining the garden to the satisfaction of the Collector or the Horticulturist, or

(2) If he has neglected or failed to pay any sums due to the Government, or

(3) If there has been a breach in the canal of his chak or village and there is reason to believe that such breach was wilfully caused or suffered to be caused by the grantee, or

(4) If the grantee has committed gross and repeated encroachment or trespass on the areas reserved for Village Forests, charagahs, unallotted village sites and on roads and thoroughfares, or

(5) If the condition of his grant or buildings constructed therein is grossly insanitary.

*Explanation.*—Existence of borrow-pits or heaping of manure within the compound of a building; frequent use of roads, paths or open spaces, near buildings as latrines or for throwing of house sweepings and filth thereon shall be deemed to be proofs of existence of grossly insanitary condition for the purpose of this clause.

#### COVENANTS APPLICABLE TO GRANTS FOR ORCHARDS.

9. *Size of Orchard Block.*—Grants made under this statement for plantation of Orchards may either be of one square of 25 bighas each, to be herein after called "A" Class Orchard Blocks, or of 15 Killas or Bighas, to be hereinafter called "B" class Orchard Blocks.

10. *Advance and Security.*—(1) No person shall be granted any land for an Orchard under this statement unless and until he shall have deposited with the Collector, in cash, and advance of Rs. 10,000/- for an "A" class Orchard Block and Rs. 5,000/- for a "B" class Orchard Block:

Provided that:—

(1) no such advance in cash shall be required of a grantee if he deposits, to the satisfaction of the Collector and duly endorsed and hypothecated in his favour, a security in the form of Government bonds, cash certificates and securities issued by the Central or the State Government or produces a fixed deposit receipt or bank guarantee of a bank approved by the Government,

(ii) the Government shall not be responsible for any depreciation in the value of the security deposited or be liable to pay any interest on any security deposit and, whenever so required by the Collector, the grantee shall be bound to replace any security by a new one to the satisfaction of the Collector,

(2) *Advance to be retained till observance of conditions.*—The Collector will retain the said advance, or Government bonds, certificates, securities or fixed deposit receipt or bank guarantee

deposited in lieu thereof, as security for observance of these conditions and shall refund it to the tenant only if, on the termination of his Ghair-Khatedari tenancy, he shall have duly observed all the conditions of this statement and, in the case of an orchard block, if the Horticulturist has also certified that the whole garden has been satisfactorily planted and that all the trees thereof have properly matured;

*Release of advance for construction of building and plantation of trees.*—Provided that the Collector may from time to time release to the grantee such sum or sums from the said advance as the grantee may require for construction of buildings or plantation of trees stipulated for in conditions 11 and 13 of this statement if it is proved to his satisfaction that the grantee has already spent on the said purpose twice as much amount as is sought to be got released and that the stipulated number of trees have been duly planted according to the plan approved by the Horticulturist.

11. *Buildings.*—The grantee shall be bound to build in his block a residential building of a plan approved by the Collector and with due provision for quarters of servants and sheds for cattle.

12. *Construction of buildings and production of crops.*—(1) The grantee of an "A" class Orchard Block may reserve from his grant an area of  $1\frac{1}{2}$  bighas for construction of a tank and buildings (for his own residence, quarters for servants and sheds for cattle) and may, in addition, utilise not more than  $3\frac{1}{2}$  bighas for cultivation and production of cereals and fodder crops.

(2) The grantee of a "B" class Orchard Block may reserve from his grant an area of not more than 1 bigha for construction of a tank and buildings (for his own residence, quarters for servants and sheds for cattle) and may, in addition, utilise not more than 2 bighas for cultivation and production of cereals and fodder crops.

13. *Area to be exclusively reserved for Orchards.*—(1) The grantee of an "A" class Orchard Block shall be and remain bound to plant in his grant fruit and ornamental trees in an area not less than 20 bighas while the grantee of a "B" class Orchard block shall be and remain bound to plant fruit and ornamental trees in an area of not less than 12 bighas.

(2) *Orcharded to be according to approved plan.*—The grantee shall plant fruit and ornamental trees according to a plan approved by the Collector in consultation with the Horticulturist and shall be bound to follow his instructions in selection of trees, their culture (including their spacing from each other) and maintenance.

(3) *Process of plantation of Orchard.*—The grantee shall, within one year from the date of the flow of perennial supply of water in the canal, plant trees, in not less than 2 bighas each year so that the whole area of 20 bighas of "A" class block and 12 bighas of "B" class block reserved exclusively for plantation of trees is under plantation within 10 and 6 years respectively. It will, however, be at

the discretion of the grantee to plant the said area quicker than this, if he so likes.

(4) *Inter-culture of vegetable allowed.*—The grantee shall be permitted inter-culture of vegetables in the spaces between the rows of fruit trees; but he shall not use the area reserved for plantation of trees for cultivation of any crops. Sugar-cane, Singharas and Melons shall not be deemed to be a fruit or vegetable for purposes of this condition and their cultivation in an orchard shall be strictly prohibited.

14. *Orchard to be maintained in good order.*—When an orchard has been planted, the grantee shall be and remain bound to see that it grows to maturity and bears fruit. When any tree or trees grow old and cease to bear fruit or get damaged or destroyed by frost or disease, epidemic or by any other cause the grantee shall be bound to remove it and, within three months, replant another tree in its place.

15. *Fencing of Orchard.*—The grantee shall be and remain bound to put up a barbed-wire fencing around the block within three months from the date of commencement of the grant and then to construct a pucca compound wall around the lands within five years from the said date.

16. *Subletting of Orchard.*—No grantee of an orchard block shall sublet it before the conferment of Khatedari rights except by way of sale of his produce.

## COVENANTS APPLICABLE TO VEGETABLE BLOCKS.

17. *Size of block.*—Grants under this statement for exclusive cultivation of vegetables, to be hereinafter called "Vegetable Blocks", shall be of 12½ killas or bighas.

18. *Security.*—No person shall be granted any land for cultivation of a "Vegetable Block" unless and until he shall have produced, to the satisfaction of the Collector, a security or a surety for Rs. 1,000/- for due observance of these conditions. The Collector shall retain the security and shall refund it to the grantee only if, on the termination of his Ghair Khatedari tenancy, he shall have duly observed to his satisfaction all the conditions of this statement.

19. *Grant to agriculturists only.*—Grants of vegetable blocks shall be made, as a rule, to agriculturists only, except where such agriculturists are not available, but in that case the grant shall be made with the permission of the Commissioner and only if the grantee pays to the Collector in advance a cash security of Rs. 1,000/- which sum shall be retained by the Collector till the grantee has acquired Khatedari right, as security for not keeping the lands fallow and for not using the lands for raising crops or putting it to any use other than that of producing vegetables or planting of fruit trees to the extent permitted under condition 21 of this statement.

20. *Construction of buildings and production of crops.*—The grantee of a vegetable Block may reserve from his grant an area of one bigha for construction of a tank and building (for his own residence and sheds for cattle) and may, in addition, utilise not more than  $1\frac{1}{2}$  dighas for cultivation and production of cereals and fodder crops.

21. *Area to be exclusively reserved for production of vegetables.*—The grantee of a vegetable block shall be and remain bound to cultivate and produce vegetables in an area not less than 10 bighas of his grant, but the tenant shall be permitted to plant in this area fruit trees of small size, such as Papayas, Melons, Oranges and other trees of citrus variety along the Batbandi line of each Killa of the land and larger fruit trees, like mangoes, Mulberry, Jamun, Kamrakh, Plantains, Keronda, along the outer compound wall of his holding. Sugar-cane, Singharas and Melons shall not be deemed to be a vegetable for the purpose of this condition and cultivation thereof in the land shall be strictly prohibited.

22. *Improved seed to be used.*—The grantee shall be and remain bound to use only improved seeds and to purchase them either from only Agriculture Department and its agencies or from such firm or firms as may be recommended or approved by it and shall follow its instructions in selection of the seeds, their culture and manuring.

23. *Fencing.*—The grantee shall be bound to put up a barbed wire fencing around the grant within three months from the date of the commencement thereof.

#### GENERAL COVENANTS APPLICABLE TO GRANTEES OF BOTH ORCHARD AND VEGETABLE BLOCKS.

24. *Free technical advice.*—The grantee shall be entitled to free technical advice of the Horticulturist or Agriculture Department as the case may be.

25. *Alienation*—(1) No grantee shall sublet or transfer any land of his grant during the period of his Ghair Khatedari tenancy.

(2) Upon a Sanad for conferment of Khatedari rights having been granted, the grantee shall have full rights of transfer in respect of the land subject to the condition that the transferee or any subsequent transferee shall be bound not to use the said lands for any purpose other than that for which the grant was made to the original grantee and that he shall be deemed to have entered into a covenant with the Government for the due observance and performance of the conditions of this statement.

26. *Construction of tank.*—The grantee shall within one year from the date of the flow of perennial supply of water in the canal, construct on his lands a Pucca Tank not less than 20 ft. square and 5 ft. deep.

#### PENALTIES.

27. *Unauthorised use of land.*—If the lands of any grant or any part thereof are used, either before or after the acquisition of

Rule 27-2) ] Colonisation (Fruit, Vegetable & Gardens) Conditions, 1955 [ 7.  
Khatedari rights, for any purpose other than that for which they were originally granted, the Collector may resume the grant and eject the grantee without payment of any compensation.

28. *Failure to construct fencing and tank.*—Failure to construct a barbed-wire fencing, a Pucca compound wall or a tank within the prescribed time shall be deemed to be a breach of the conditions of this statement and shall render the grant liable to resumption without payment of any compensation.

Provided that instead of resuming the grant the Collector may get the fencing, compound wall or tank constructed by such agency as he thinks fit and the grantee shall be bound to pay the cost thereof, which shall be realisable as an arrear of land revenue in advance or with the next instalment of rent or land revenue, as the Collector may order:

Provided further that the Collector shall levy a "Tawan" at the rate of 8 annas per square of 25 bighas of land per day on all payments under this condition, which become overdue and such Tawan shall be liable to be recovered in addition to any other penalty to which the grantee may become liable under these conditions or otherwise.

29. *Non-observance of conditions.*—If the grantee—

(1) fails to plant an orchard, or

(2) replant, after acquisition of Khatedari rights, an orchard within three years of its having ceased to exist for any reason whatsoever, or

(3) ceases, before or after the acquisition of Khatedari rights, to cultivate with Vegetables the lands of a vegetable block, or

(4) fails or neglects to perform or observe the conditions, in whole or part, of this statement, the Collector may cancel

8\ ] Colonisation (Fruit Vegetable & Gardens) Conditions, 1955 [ Rule 30  
the tenancy, eject the tenant forthwith and resume the site  
without payment of any compensation :

Provided that the Collector may require the next allottee to pay the grantee ejected, as a pre-requisite condition to the reallotment, such compensation for buildings constructed and trees planted as the said Collector may determine and the award of the Collector in respect of such compensation shall be final and binding on both the parties.

30. *Surrender.*—If the grantee of an orchard block voluntarily gives up or surrenders the grant, the land shall lapse to the Government and no compensation for buildings constructed or trees planted thereon shall be payable to him and if he makes such surrender before any compound wall, tank or buildings or constructed, he shall be liable for payment of rent for a number of years not exceeding ten years from the date of such surrender as the Collector may direct.

“31. *Grant of land by sale by public auction.*—(1) Notwithstanding anything contained in conditions Nos. 6, 7 and 8, land may be granted by sale by public auction and rules 20, 21 and 22 of the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sales, Rules, 1955, shall apply *mutatis mutandis*, so far as may be, to the procedure of sales under this rule.

(2) After the sale has been confirmed and entire price therefor has been deposited, the Collector shall issue a Sanad conferring Khatedari rights on the purchaser.

32. *Certain conditions not to apply.*—Till such time as water sufficient for the plantation of orchards or vegetable gardens is not

Rule 32 ] Colonisation (Fruit Vegetable & Gardens) Conditions, 1955 [ 8A  
available, the conditions Nos. 10 to 15, 18 to 23 and 26 to 29 shall  
not apply to any land granted under these rules:

Provided that the aforementioned conditions shall commence  
to apply with effect from such date as the State Government may,  
after sufficient water is made available, specify in this behalf.

By Order of  
His Highness the Rajpramukh.  
R. N. HAWA,  
*Secretary to the Government.*

## STATEMENT OF SCHEDULE

“FRUIT AND VEGETABLE GARDENS CONDITIONS, 1955”.

*Provisions of General Colony Conditions, 1955 that would be  
applicable to grants under this statement.*

<i>Condition No.</i>	<i>Subjects.</i>
4.	Interpretation of other statements of conditions or written documents.
5.	Registration of Deeds.

### *Exceptions and Reservations.*

- |    |   |
|----|---|
| 6. | Selection of Tenants.   |
| 7. | (1) Mineral Rights.<br>(2) Areas excluded.  |
| 8. | (1) Right to Construct or alter a water-course.<br>(2) Right to creat a Right of way and construct village roads. |

*Grant of interest in land.*

12. Grant to include easements etc.
13. (1) Tenants right on product of land.

*Obligations of a Grantee.*

**General Covenants applicable to all classes of Grantees.**

14. (1) Regular payment of Government dues.  
(2) Government to prescribe rent and land revenue  
(3) Outgoings and payments by way of land revenue
15. (1) Nazrana and Purchase price.  
(2) Payment of Nazrana in instalments.  
(3) Default of Nazrana instalments.  
(This would be applicable to grant of Vegetables Block only).
16. Time and place of payments.
17. (1) Use of land.  
(2) Against injury to reserved rights.  
(3) Entry of Government Officers.  
(4) Public Rights and Easements.  
(5) Boundary Marks.  
(7) Surrender for public purpose etc.  
(8) Power to resume lands for roads and Railway.  
(9) Exchange of Tenancy.
19. (1) Residence in Estate.
20. (1) Injury to land.  
(5) Construction of water-courses—Restrictions on.  
(6) Rectangulisation of Fields.  
(7) Survey and demarcation of land.  
(8) Construction of water-courses, culverts, bridges and roads.



# The Rajasthan Colonisation (Medium & Minor Irrigation Projects Government Lands Allotment) Rules, 1957.

## REVENUE 'B' DEPARTMENT NOTIFICATION

Jaipur, October 29, 1957.

No. F. 6 (348) Rev/A/56.-Part-II.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954, (Rajasthan Act XXVII of 1954), the Government of Rajasthan is pleased to make the following rules, namely:—

1. *Short title, extent and commencement.*—(1) These rules may be called the Rajasthan Colonisation (Medium and Minor Irrigation Projects Government Lands Allotment) Rules, 1957.

(2) They shall apply to such areas as are declared a colony and are served by a medium or minor irrigation project.

(3) They shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Interpretation.*—In these rules,—

(i) "Act" means the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954)

(ii) "Allotting authority" means the Collector of the district.

(iii) "Commanded land" means land shown as such by the Irrigation Department in their command statements with reference to any particular irrigation project.

(iv) "Displaced agriculturist" means a person who has been displaced from his agricultural holding due to the construction of a project or its canals or other works connected therewith, and has not been compensated in any other way for his lands. It includes a land-holder whose lands may have been submerged in a reservoir constructed on the project or acquired for the construction of canals etc.

(v) "Government land" means and includes all unoccupied lands, common village lands and other lands acquired by the Government and declared as such.

(vi) "Landless tenant" means a bona fide agriculturist who cultivates or can reasonably be expected to cultivate land personally and who does not hold any land in his own name for cultivation or in the name of any member of his joint family.

(vii) "Medium and Minor Irrigation Projects" means all irrigation projects excluding Gang Canal, Chambal, Jawai, Rajasthan Canal and Bhakra and such other projects as may be excluded from time to time from the purview of these rules and notified as such by the Government.

(viii) Words and expressions defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955) shall, wherever

used herein, be construed to have the meanings assigned to them by the said Act.

3. *Application of General Colony Conditions.*—The Rajasthan Colonisation (General Colony) Conditions, 1955, issued under sub-section (2) of section 7 of the Act shall, *mutatis mutandis*, apply to all allotments of land made under these rules.

4. *Terms of allotment.*—(1) Subject to the terms and conditions specified in the Rajasthan Colonisation (General Colony) Conditions, 1955, all allotments of Government land under these rules shall be on a permanent basis, the allottees being eligible to the conferment of Khatedari rights unless otherwise stated. All allotments so made shall be subject to the special terms and conditions, if any, further imposed by the Government.

(2) (a) No person shall be entitled as of right to allotment of lands under these rules or to the acquisition of tenancy rights.

(b) The Government may reserve any particular area of unoccupied land for any special purpose or may order its allotment or a preference in allotment to any particular class of persons or tenants.

5. *Procedure for allotment.*—(1) The allotting authority shall, before taking up the allotment of land in any particular area, notify its intention of doing so—

(a) by affixing copies of the said notice on the notice-board of the tehsil concerned, and also by making a proclamation thereof by beat of drum in the village or villages in which the lands to be allotted are situated; and

(b) by publishing a notice in the like manner at a conspicuous place in the village of which the land is sub-merged or is likely to be sub-merged, specifying the names of displaced agriculturists of that village.

(2) The notice shall, so far as may be, specify the area available for allotment.

6. *Applications for allotment.*—(1) Within one month from the date of issue of the notice under rule 5, any person who considers himself entitled to allotment of Government land under these rules may submit to the tehsildar of his area an application in writing for such allotment, and the tehsildar shall, after making necessary enquiries as to the claims of the applicant for allotment, submit, within two months, all such applications with his comments to the allotting authority.

(2) All applications for allotment under these rules shall be on the appended form.

7. *Verification by Tehsildar.*—The tehsildar shall, on receipt of an application for allotment, verify the particulars mentioned in the application with reference to relevant entries in the land records and may also conduct such enquiry as may be necessary for the purpose.

8. *Priorities in allotment.*—(1) Except in cases falling under clause (b) of sub rule (2) of rule 4, for the purpose of fixing priority for allotment of unoccupied land, the following order shall be observed:—

(i) Those displaced agriculturists whose land has been sub-merged in the tank or acquired for the project or used in the construction of canals.

(ii) Land less tenants.

(iii) Agricultural labourers.

(iv) Ex-soldiers.

(v) Khudkasht to Jagirdars.

(2) Allotment to persons under categories (ii), (iii) and (v) above shall be made in the following order of preference:—

(i) To Co-operative Societies.

(ii) To residents of the village.

(iii) To residents of adjoining villages.

(iv) To residents of the tehsil.

(3) Within the above four categories, first preference shall be given to the members of the backward classes.

9. *Allotment to displaced agriculturists.*—(1) So far as possible, land of the same quality and value as may have been acquired from a particular person shall be allotted to him.

(2) Any claim remaining unsatisfied due to paucity of land may be satisfied by payment of cash compensation.

(3) For purposes of valuation, 1 bigha of irrigated land shall be deemed to be equal to 3 bighas of Barani or culturable fallow land.

(4) (i) A joint family shall, for purposes of existing holdings or for allotment of land under these rules, be deemed to be one person and dealt with accordingly.

(ii) When a Khata is held jointly by two or more persons, for purposes of computing the area held by each co-tenant or the area to the allotment of which each of them is eligible, each co-tenant shall be deemed to be in possession only of so much area of the joint khata as falls to his share.

(5) While making allotment, as far as may be possible, compact blocks shall be assigned to each allottee.

10. *Scale of allotment to landless tenants.*—The following shall be the scale of allotment to landless tenants:—

(i) A family consisting of not more than 3 adult male members—10 acres.

(ii) A family consisting of more than 3 adult male members, an additional area of 5 acres for every such additional member, subject to a maximum of 25 acres.

11. *Persons not eligible to allotment of Government land.*—

(1) No allotment of Government land shall be made to any displaced agriculturist or tenant even though his lands have been acquired in the project if:—

(i) he holds 25 acres or more of commanded or irrigated tenure land in the project area at any other place.

or

(ii) 75 acres of Barani land anywhere in Rajasthan.

(2) The claims of such persons for compensation may be settled by cash payment.

12. *Fixation of scales of prices.*—The State Government shall fix scales of prices which may be charged for Government lands allotted under these rules. Such scales may be different for different areas and different classes of land.

13. *Disposal of Government land by auction.*—The State Government may, instead of disposing of all available Government land by allotment, order that [the whole or a certain proportion thereof] to be specified by Government, shall be sold by public auction, in which event the provisions of part B of the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955, shall, *mutatis mutandis* apply to such sales by auction.

#### Notes

The words within brackets have been added vide Notification No. F. 6 (348) Rev. B/56. Pt. II dated April 4, 1958 issued under Revenue (B) Department and published in Rajasthan Gazette part IV (c) dated May 20, 1958 at page 311.

### FORM OF APPLICATION

(See Rule 6)

To

The Tehsildar,

Tehsil.....

District .....

*Subject:*—Application for allotment of land under the Rajasthan Colonisation (Medium and Minor Irrigation Projects Government Lands Allotment) Rules, 1957.

Sir,

I.....S/o.....Caste.....R/o.....Village.....

Tehsil.....District .....hereby state as under:—

%Particulars      \*(1) that I am a displaced agriculturist within to be stated.      the meaning of clause (iv) of rule 2 of the above rules, my lands, particulars whereof are given on the margin%, having been acquired for the construction of.....

project.

.....

of its canals.

.....

of .....other works.

or

%Particulars      \*that I am a landholder whose lands, particulars to be stated.      whereof are given on the margin%, have been submerged in.....reservoir constructed on.....project/or acquired for the construction of canals etc.

or

\*that I am a landless tenant within the meaning of clause (vi) of rule 2 of the above rules

or

\*that I am an agricultural labourer and work as such at... ..

or

\*that I am an ex-soldier having served in.....and having been discharged on.....

\*that I hold the under-mentioned lands.

(2) .....

I do not hold any land.

Name of Village	Name of Tehsil with name of District	Khasra Area No.	Soil Class
			..... Nehri (irrigated from canals) Chahi (irrigated by wells situated in Khasra No .....) Talabi (irrigated from tank) Tank bed, Dehri, Sailabi, Barani, Banjar.

(3) that I own.....cattle,.....ploughs.

(4) that my family consists of :

Adults		Children	
/...../	/...../	/...../	/...../
Male	Female	Male	Female

\*Strike out whatever is inapplicable.

2. I, therefore, hereby request that I may be allotted the undermentioned lands for cultivation:—

Particulars of land to be given.

Name of village with name of Tehsil and District.	Khasra No.	Area.	Soil Class.
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3. I, hereby agree to abide by the provisions of (1) the Rajasthan Colonisation Act, 1954 (2) the Rajasthan Colonisation (General Colony) Conditions, 1955 and (3) these rules.

4. I further undertake to pay the price of the land as fixed by the Government.

Your faithfully,  
(Signature)

Witness

I.....S/o .. .....caste.....r/o.....verify that the statements made in the above application are true to the best of my knowledge.

*Signature*  
By Order of the Governor,  
R. N. HAWA,  
*Secretary to the Government.*

*Notifications under*

**THE RAJ. COLONISATION (MEDIUM AND MINOR IRRIGATION  
PROJECTS GOVERNMENT LANDS ALLOTMENT AND SALE)  
RULES, 1957.**

*Published in Raj. Raj-patra part IV (c) dated September 22, 1960 at page 373  
Jaipur, September 7, 1960.*

*No. F. 6 (465) Rev. (A)/B/57-Irg-/II.*—In exercise of the power reserved by Government by rule 13 of the Rajasthan Colonisation (Medium and Minor Irrigation Projects Government Lands Allotment and Sale) Rules, 1957, it is hereby notified for general information that the State Government has decided that small patches of un-allotted land not exceeding three acres in area shall be sold by public auction subject to the condition that the bidding for such plots shall be confined to the tenants of contiguous fields and preference shall be given among such bidders to the tenant with the smallest holding.

By Order of the Governor,  
GOVERDHAN SINGH,  
Secretary to the Government.

# THE RAJASTHAN COLONISATION (Chambal Project Govern- ment Lands Allotment and Sale) RULES, 1957

## REVENUE [C] DEPARTMENT NOTIFICATION

*Jaipur, November 13, 1957.*

*No. F. 6 (465) Rev. (A) B/57.*—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the Government of Rajasthan is pleased to make the following rules, namely:—

### *Notes*

Section 28 of the Rajasthan Colonisation Act, 1954 authorises the State Government to make rules for carrying into effect the provisions and purposes of the Act. These rules are meant for Allotment and Sale of Government Lands in Chambal Project.

### PART A

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957.

(2) They extend to the whole of the area to be irrigated by the Chambal Project Canals consisting of the villages given in the Schedule annexed hereto.

(3) They shall come into force on the date of their publication in the Rajasthan Rajpatra.

2. *Interpretation.*—In these rules, unless there is anything to the contrary in the subject or context—

- (i) "Act" means the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954).
- (ii) "Allotting authority" means the Collector as defined in section 2 (i) of the Act.
- (iii) "Colony Tehsildar" means an officer appointed as a Tehsildar in the Colonisation Department.
- (iv) "Colony Naib-Tehsildar" means an officer appointed as Naib-Tehsildar in the Colonisation Department.
- (v) "Commanded area" means land shown as such by the Irrigation Department, in their command statement with reference to the Chambal Irrigation Project.
- (vi) "Displaced agriculturist" means a person who has been displaced from his agricultural holding due to the construction of the Chambal Project or its canals or other works connected therewith, and has not been compensated in any other way for his lands. It includes a land-holder



whose lands may have been submerged in the reservoirs constructed on the project or acquired for the construction of canals, their distributaries or other minor water courses, and who has not been otherwise compensated therefor.

(vii) "Government land" means and includes all unoccupied lands, common village lands, lands let out temporarily after the commencement of the Rajasthan Tenancy Act, 1955 and also lands let out for temporary cultivation or lands covered by leases granted for any specific period or under any specified condition if such period of lease has expired or the land has been resumed on account of non-observance of the conditions, and all such lands of the resumed jagir villages in which no khatedari rights have been conferred on any tenant and which have been entered in the Settlement or Land Records as *Bila nami*, "Maqbuza thikana", or 'maqbuza jagirdar',

(viii) "Landless tenant" means a *bona fide* agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally and who does not hold any land in his own name or in the name of any member of his joint family for cultivation.

(ix) "Temporary tenant" means a person holding Government land under a lease sanctioned in his favour by a competent authority after the commencement of the Rajasthan Tenancy Act, 1955 or who otherwise holds land either under a temporary lease or as a Ghair Khatedar tenant.

3. *Application of General Colony Conditions.*—The Rajasthan Colonisation (General Colony) Conditions, 1955 issued under sub section (2) of section 7 of the Act, shall, *mutatis mutandis*, apply to allotments and sale of lands made under these rules.

4. *Preparation of list of Government lands.*—(1) The allotting authority shall prepare a village wise list of all Government lands in *Form 1*.

(2) He shall then divide the Government lands into the following classes:—

(a) Culturable.

(b) Fit for being made culturable.

(c) Fit for growing forests.

(d) Suitable for abadi.

(e) Gullies and ravines, fit for being made culturable on clearing.

(f) Ghair Mumkin.

5. *Exclusion and Reservation*—From the list of Government lands prepared under rule 4, the allotting authority shall exclude lands of the following categories:—

(a) Lands reserved for village forests under section 28 of the Rajasthan Forest Act, 1953 (Rajasthan Act XIII of 1953).

(b) Lands reserved for pasture to be provided under section 92 of the Rajasthan Land Revenue Act, 1956.

(c) Lands of categories mentioned under clauses (c), (d) and (f) of sub-rule (2) of rule 4.

6. *Rectangulisation*.—(1) The allotting authority shall divide the culturable Government lands into rectangles of 10 acres each, shall number each rectangle and enter them in a register in *Form II*

(2) He shall prepare a list in *Form III* of the other culturable Government lands that cannot be divided into rectangles of the above size.

7. *Disposal*.—The plots of culturable Government lands that cannot be divided into rectangles, and such percentage of rectangles as the State Government decides, shall be reserved for sale by auction and the remaining percentage of rectangles shall be disposed of by allotment.

#### PART B—Allotment.

8. *Terms of allotment*.—(1) Subject to the terms and conditions specified in the Rajasthan Colonisation (General Colony) Conditions, 1955, all allotments of Government land under these rules shall be on a permanent basis, the allottees being eligible to the conferment of khatedari rights unless otherwise stated. All allotments so made shall be subject to the special terms and conditions, if any, further, imposed by the Government.

(2) (a) No person shall be entitled as of right to allotment of lands under these rules or to the acquisition of tenancy rights.

(b) The Government may reserve any particular area of unoccupied land for any special purpose or may order its allotment or a preference in allotment to any particular class of persons or tenants.

9. *Procedure for allotment*.—(1) The allotting authority shall, before taking up the allotments of land in any particular area issue a proclamation in *Form IV* of his intention of doing so. Copies of the said proclamation shall be affixed on the notice-boards of the allotting authority and the Tehsil concerned and in a conspicuous place in the village concerned, and it shall be proclaimed by beat of drum in the village or villages in which the lands to be allotted are situated

(2) The proclamation shall, so far as may be, specify the area available for allotment.

10. *Application for allotment*.—(1) Within one month from the date of the issue of the proclamation under rule 9, any person, who considers himself entitled to allotment of Government land under these rules, may submit to the Colony Tehsildar of the area an application in writing for such allotment and the Colony Tehsildar shall, after making necessary enquiries as to the claims of the applicant for allotment, submit, within two months, all such applications with his comments to the allotting authority.

(2) All applications for allotment under these rules shall be in *Form V*.

11. *Verification of contents of application by Colony Tehsildar.* The Tehsildar shall, on receipt of an application for allotment, verify the particulars mentioned in the application with reference to relevant entries in the land records and may also conduct such enquiry as may be necessary for the purpose.

12. *Priorities in allotment.*—(1) Except in cases falling under clause (b) of sub-rule (2) of rule 8; for the purpose of fixing priority for allotment of unoccupied land, the following order shall be observed :—

- (i) Displaced agriculturists-
- (ii) Landless tenants.
- (iii) Agricultural labourers.
- (iv) Ex-soldiers.
- (v) Khudkasht to jagirdars,

Provided that in the land in his possession a temporary tenant shall have the first preference.

(2) Allotment to persons under categories (ii), (iii) and (v) above shall be made in the following order of preference:—

- (i) To Co-operative Societies,
- (ii) To residents of the village.
- (iii) To residents of adjoining villages.
- (iv) To residents of the Tehsil,

Within the above four categories, first preference, shall be given to the members of the backward classes.

13. *Allotment to displaced agriculturists.*—(1) So far as possible, land of the same quality and value as may have been acquired from a displaced agriculturist shall be allotted to him.

(2) Any claims remaining unsatisfied due to paucity of land may be satisfied by payment of cash compensation.

(3) For purposes of valuation, 1 bigha of irrigated land shall be deemed to be equal to 3 bighas of Barani or culturable fellow land.

(4) (i) A joint family shall, for purposes of existing holdings or for allotment of land under these rules, be deemed to be one person and dealt with accordingly.

(ii) When a khata is held jointly by two or more persons, for purposes of computing area held by each co-tenant or the area to the allotment of which each of them is eligible, each co-tenant shall be deemed to be in possession only of so much area of the joint khata as falls to his share.

(5) While making allotment, as far as may be possible, compact blocks shall be assigned to each allottee.

14. *Scale of allotment to landless tenants.*—The following shall be the scale of allotment to landless tenants,—

- (i) A family consisting of not more than 5 adult male members ..... 10 acres.
- (ii) A family consisting of more than 5 adult male members 20 acres.

15. *Persons not eligible to allotment of Government land.*—(1) No allotment of Government land shall be made to any displaced agriculturist or landless tenant even though his lands have been acquired in the project, if:—

(i) He holds 20 acres or more of commanded or irrigated tenure land in the project area at any other place.

(ii) 75 acres of Barani land any where in Rajasthan.

(2) The claims of such persons for compensation may be settled by cash payment.

16. *Scales of price to be charged for different classes of land.*—The State Government shall fix scales of prices which may be charged for Government lands allotted under these rules. Such scales may be different for different areas or different classes of land.

17. *Appeal.*—Any person aggrieved by an order of allotment made by the allotting authority may, within 30 days of the date of such order, appeal to the Commissioner, whose decision shall be final.

#### PART C—Sale

18. *Sale of plots of less than 10 acres.*—Plots of less than 10 acres, or other plots reserved under clause (b) of sub-rule (2) of rule 8, or under rule 7, shall be disposed of by sale by public auction as provided in the rules following.

19. *Issue of notice of sale by auction.*—(1) The allotting authority shall issue a notice of sale in *Form VI* giving full details of the land to be sold by public auction, viz the khasra number or the number of the chak, number of the square or kila and the date, time and place of auction.

(2) The notice shall be published in the official gazette, and it may also be published in any newspaper having its circulation in the locality. Copies of the notice shall also be pasted on the notice-board of the allotting authority and at the headquarters of the Tehsil and at some place of public resort on or adjacent to the land to which it refers. The notice shall also be published by beat of drum on or near the land to which it refers.

20. *Officer conducting the auction.*—Sales by public auction under these rules shall be held by the allotting authority or by a gazetted officer appointed by him for the purpose with the approval of the State Government.

21. *Conditions of sale.*—The following shall be the conditions of sale under these rules;—

(a) All land sold under these rules shall be subject to the provisions of the Act and of the Rajasthan Colonisation (General Colony) Conditions, 1955 and of these rules.

(b) Land may be put up for sale in one lot or in several lots or in lots other than those shown in the notice and the allotting authority shall be competent to withdraw any lot or lots from sale without assigning any reason.

(c) No land shall be put up for sale until the State Government has fixed a reserved price therefor. The sale price shall be the reserved price determined by the State Government or the price offered in open auction, whichever is higher.

(d) No person shall be allowed to bid unless he—

(i) deposits an earnest money amounting to five per cent of the total reserved price of each plot of land in cash. This earnest money shall be refunded on the spot to the unsuccessful bidders at the conclusion of the auction;

(ii) signs a declaration before the officer conducting the auction that he does not hold any land in his own name or in the name of any member of the joint family or if he holds land the total area of the land already held and of the land that he wishes to purchase at the auction shall not exceed the area prescribed for the Tehsil concerned for purposes of clause (a) of section 180 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), and that he undertakes to cultivate the land personally.

(e) No person shall, at any auction, retract his bid and if any dispute arises, the land shall be put up to auction again at the last undisputed bid.

(f) The highest acceptable offer shall be communicated to the State Government and the sale shall not be complete unless the offer is accepted by the State Government.

(g) The State Government reserves the right to reject any bid without assigning any reason therefor or to withdraw any lots or plots from auction at any time without assigning any reason.

(h) A sum equivalent to twenty five per cent of the purchase price shall have to be deposited in cash by the bidder whose bid is to be recommended to Government immediately at the conclusion of the bid, and the balance must be paid in cash or by demand draft or cheque drawn on a scheduled bank having its branch in Rajasthan, within one month from the date of the communication to him of the confirmation of sale by the State Government.

(i) Should any purchaser fail to observe or comply with any of the foregoing conditions, his deposit shall be forfeited to the State Government, which may have the land re-sold by a public auction, and any deficiency of price which may result on such resale shall be made good and paid by the defaulting purchaser.

(j) If it is discovered at any time that the declaration referred to in clause (d) is false, then the excess, and if the purchaser fails to cultivate the land personally, then the whole of the land sold may be resumed by the Government without payment of any compensation.

## THE SCHEDULE

List of villages to which Rajasthan Colonisation (Chambal Project Government Lands allotment and sale) Rules, 1957, apply.

<i>S. No.</i>	<i>Name of the Distt.</i>	<i>Name of Tehsil</i>	<i>Name of the Villages</i>
1	2	3	4
1	Bundi	Bundi	Silor.
2	"	"	Devpura.
3	"	"	Naankpura.
4	"	"	Chatrapura.
5	"	"	Balapura.
6	"	"	Baldevpura, Jagir.
7	"	"	Kalpuria.
8	"	"	Baldevpura.
9	"	"	Lalpuriya.
10	"	"	Amarch.
11	"	"	Ramgunj.
12	"	"	Bhaton-ka-Khera.
13	"	"	Rehana.
14	"	"	Hanotiya.
15	"	"	Akher Jagir.
16	"	"	Ajeta.
17	"	"	Delunda.
18	"	"	Raita.
19	"	"	Dorala.
20	"	"	Bhanwarda.
21	"	"	Karad-ka-Verdha.
22	"	"	Khatkar.
23	"	"	Rajwas.
24	"	"	Khatmandi.
25	"	"	Jhar Balapura.
26	"	"	Raghunathpura.
27	"	"	Samarwa.
28	"	"	Haripura.
29	"	"	Onkarpura.
30	"	"	Barbas.
31	"	"	Bherupura Antri.
32	"	"	Ganpatpura.
33	"	"	Gordhanpura.
34	"	"	Jawati Khurd.
35	"	"	Bagda.
36	"	"	Motuda.
37	"	"	Khiyawda.
38	"	"	Gogpura.
39	"	"	Chhabda.

40	"	"	Chhawni.
41	"	"	Bara Dhudhela Mahadev.
42	"	"	Jakhana.
43	"	"	Piplia.
44	"	"	Maditya.
45	"	"	Ban-ka-khera.
46	"	"	Sangawada.
47	"	"	Ram Thal.
48	"	"	Bambori.
49	"	"	Abra.
50	"	"	Goboriya.
51	"	"	Nandpura.
52	"	"	Jalera.
53	"	"	Motipura.
54	"	"	Kishanpura.
55	"	"	Ganeshpura.
56	"	"	Kesharpura, Jagir.
57	"	"	Katudara.
58	"	"	Makarda.
59	"	"	Kuwarnsi.
60	"	"	Sarasvatika-khera,
61	"	"	Narsinghpura.
62	"	"	Guwari.
63	"	"	Nayagaon.
64	"	"	Nayalpura.
65	"	"	Itada.
66	"	"	Chapras.
67	"	"	Rampuriya.
68	"	"	Bhainrupura.
69	"	"	Bichari.
70	"	"	Jiwati Kalan.
1	Bundi	Talera	Kana.
2	"	"	Ganach.
3	"	"	Tirath.
4	"	"	Bhawani-pura.
5	"	"	Mehrana.
6	"	"	Seenta.
7	"	"	Aktasa.
8	"	"	Kharad.
9	"	"	Jamitpura.
10	"	"	Jaloda.
11	"	"	Jaloda Jagir.
12	"	"	Talera.
13	"	"	Nenda.
14	"	"	Raghunathpura.
15	"	"	Lambapipal.
16	"	"	Sandri.
17	"	"	Anthra.

8	"	"	Pipalda.
9	"	"	Vyason-ka-lilera.
10	"	"	Thikaria,
11	"	"	Bathwada.
22	"	"	Alfanagar.
23	Bundi	Talera	Gagos.
24	"	"	Satheli.
25	"	"	Motooka.
26	"	"	Namana.
27	"	"	Bawari Khera.
28	"	"	Barudhan.
29	"	"	Sitapura.
30	"	"	Bhawaria Kuaa.
31	"	"	Dhanatri.
32	"	"	Bharta Bawadi.
33	"	"	Biluba.
34	"	"	Gumanpura.
35	"	"	Mangli.
36	"	"	Khotya.
37	"	"	Jarkhoda.
38	"	"	Kotkhera.
39	"	"	Barkhera.
40	"	"	Khan Khera.
41	"	"	Godgol.
42	"	"	Sanval Pura.
43	"	"	Saptija.
44	"	"	Alkodiya.
45	"	"	Andhad.
46	"	"	Mohipura.
47	"	"	Chak Mohipura.
48	"	"	Thikaria Jagir
49	"	"	Lilera.
50	"	"	Chandan Beri.
51	"	"	Dahit.
52	"	"	Delunda.
53	"	"	Vinayka.
54	"	"	Samer.
55	"	"	Sadadi.
56	"	"	Govind Pura.
57	"	"	Jakh mund.
58	"	"	Naya bardha.
59	"	"	Mandadi.
60	"	"	Pitambpura.
61	"	"	Thikaria Charna
62	"	"	Kharoli.
63	"	"	Jalki Jhonpri.
64	"	"	Ballop.
65	"	"	Daglawada.



66	"	"	Titerwase.
67	"	"	Notara.
68	"	"	Vaxpura.
69	"	"	Bajad.
70	"	"	Bhopatpura.
71	"	"	Chapawada.
72	"	"	Khadla Khalsa.
73	"	"	Khadla Jagir.
74	"	"	Chak Khadla.
75	"	"	Khuluda.
76	"	"	Ganeshpura.
77	"	"	Bhuma-kheda.
78	"	"	Ladpura.
79	"	"	Samass.
80	"	"	Badunda.
81	"	"	Kaithunda.
1	Bundi	Keshoraipatan	Jagahari.
2	"	"	Jharana.
3	"	"	Dolar.
4	"	"	Devali
5	"	"	Balcoda.
6	"	"	Roteds.
7	"	"	Jahthal.
8	"	"	Kodkya.
9	"	"	Pipalda.
10	"	"	Dutana.
11	"	"	Baldara.
12	"	"	Choteda.
13	"	"	Arnia.
14	"	"	Ardana.
15	"	"	Isarda.
16	"	"	Garjani.
17	"	"	Chardana
18	"	"	Chatthgoan.
19	"	"	Haripura.
20	"	"	Higonya.
21	"	"	Notara.
22	"	"	Beeraj.
23	"	"	Rangrajpura.
24	"	"	Sambadpura.
25	"	"	Sarsala.
26	"	"	Khedli.
27	"	"	Pipalda Jagir.
28	"	"	Anandpura.
29	"	"	Thimli.
30	"	"	Handiya Khera.
31	"	"	Hurapura.
32	"	"	Kapran.

33	Bundi	Keshorai patan	Thakerwara.
34	"	"	Balapura.
35	"	"	Navagaon.
36	"	"	Balkasa.
37	"	"	Borda. (Mafi)
38	"	"	Rampurya.
39	"	"	Laxmipura.
40	"	"	Adila.
41	"	"	Bhawpura.
42	"	"	Amarpura.
43	"	"	Kanwarpura.
44	"	"	Dharman.
45	"	"	Notara.
46	"	"	Bajdali.
47	"	"	Raghunathpura.
48	"	"	Malikpur.
49	"	"	Karbala Ki Jhonparia.
50	"	"	Chatron Ka Khera.
51	"	"	Thigsi.
52	"	"	Indrapura.
53	"	"	Jagannatha.
54	"	"	Jakhroon.
55	"	"	Balita.
56	"	"	Bhiyan.
57	"	"	Madhorajpura.
58	"	"	Hathnapur.
59	"	"	Kherli.
60	"	"	Nimotha.
61	"	"	Lakheri.
62	"	"	Soonagar.
63	"	"	Kamolar.
64	"	"	Chadi.
65	"	"	Padra.
66	"	"	Radi.
67	"	"	Lesarda.
68	"	"	Hathihera.
69	"	"	Isharnagar.
70	"	"	Gudla.
71	"	"	Gudli.
72	"	"	Chitawa.
73	"	"	Nimoda.
74	"	"	Rangpuria.
75	"	"	Vijainagar.
76	"	"	Barana Jhalon Ki.
77	"	"	Barani.
78	"	"	Borda Kachiyau.
79	"	"	Menoli.
80	"	"	Khedlaman.

81	Bundi	Keshorai Patan	Khedla Arjun.
82	"	"	Jaleda.
83	"	"	Jhadol.
84	"	"	Khorpura.
85	"	"	Pachipala.
86	"	"	Thikari.
87	"	"	Dupata.
88	"	"	Dadwada.
89	"	"	Dugraya.
90	"	"	Partapgarh.
91	"	"	Paperli.
92	"	"	Laxmipura.
93	"	"	Lohali.
94	"	"	Bhains Khera.
95	"	"	Morkhudna.
96	"	"	Khakta.
97	"	"	Bagli.
98	"	"	Vehdabli.
99	"	"	Ramganj.
100	"	"	Laban.
101	"	"	Ghuata.
102	"	"	Kota Khurd.
103	"	"	Chahija.
104	"	"	Jhapavada.
105	"	"	Dei Khera.
106	"	"	Khata-ka-Barana.
107	"	"	Kaririya.
108	"	"	Kankra mej.
109	"	"	Pali Banswara.
110	"	"	Pipalda Thag.
111	"	"	Makhida.
112	"	"	Papri
113	"	"	Bara Khera.
114	"	"	Jarla Mafi.
115	"	"	Kesho Nagar.
116	"	"	Patoliya.
117	"	"	Patan.
118	"	"	Azanda.
119	"	"	Korkiya.
120	"	"	Kotri.
121	"	"	Devpura.
122	"	"	Baldevpura.
123	"	"	Biga-ka-Rora.
124	"	"	Kharli Court.
125	"	"	Thikoli
126	"	"	Arneta.
127	"	"	Kherli.
128	"	"	Jaloda.

129	Bundi	Keshorai Patan	Bhindi.
130	"	"	Shripura.
131	"	"	Budiya.
132	"	"	Kodija.
133	"	"	Maija.
134	"	"	Karbala.
135	"	"	Charakvara.
136	"	"	Raghunathpura.
137	"	"	Kanihera.
138	"	"	Chhavaohh.
139	"	"	Jhavasa.
140	"	"	Baniyani.
<i>Left Canal—</i>			
1	Kotah	Ladpura	Baletha.
2	"	"	Sakatpur.
3	"	"	Nayakhera.
4	"	"	Devnagar.
5	"	"	Ramnagar.
6	"	"	Goverdhenpura.
7	"	"	Baragaon Urf Nainda.
8	"	"	Girdharpura.
9	"	"	Nanta.
10	"	"	Kundri.
<i>Right Canal—</i>			
11	"	"	Ghaghtana.
12	"	"	Manasgaon.
13	"	"	Ramrajpura.
14	"	"	Pipalda Shekhan.
15	"	"	Ramkherli.
16	"	"	Kherli pandey.
17	"	"	Notana.
18	"	"	Dewali Machhiyan.
19	"	"	Rangpur.
20	"	"	Ganwari Jagir.
21	"	"	Gangapacha Jagir.
22	"	"	Kishanpura Nayagoan.
23	"	"	Chaudesal.
24	"	"	Roteda.
25	"	"	Arjunpura.
26	"	"	Manpura.
27	"	"	Rangtalab.
28	"	"	Sogeria.
29	"	"	Bhadana.
30	"	"	Ganeshpura.
31	"	"	Dawara.
32	"	"	Kherli purohit Ji.
33	"	"	Khand Gaonri.
34	"	"	Dostpura.

35	Kotah	Ladpura	Ladpura.
36	"	"	Rampura.
37	"	"	Gujanpura.
38	"	"	Kansuwa.
39	"	"	Takhera.
40	"	"	Ramchandpura.
41	"	"	Kabri Jagir.
42	"	"	Gordhanpura.
43	"	"	Borkhera.
44	"	"	Devli Arab.
45	"	"	Hanuwat Khera.
46	"	"	Naya nohra.
47	"	"	Borkhandi.
48	"	"	Hathi Khera.
49	"	"	Kanwerpura.
50	"	"	Rajnagar.
51	"	"	Sukhpura.
52	"	"	Raipura.
53	"	"	Ummedgunj.
54	"	"	Chatrapura.
55	"	"	Dhakar Kheri.
56	"	"	Arampura.
57	"	"	Jalkhera Jagir.
58	"	"	Rasulpura.
59	"	"	Khera.
60	"	"	Bhojpura ohak.
61	"	"	Charida.
62	"	"	Mandaniya.
63	"	"	Daslana.
64	"	"	Jhalipura.
65	"	"	Barejeshpura.
66	"	"	Tathed.
67	"	"	Arniya Jagir.
68	"	"	Kaithoon.
69	"	"	Chainpura.
70	"	"	Bhimpura.
71	"	"	Motipura
72	"	"	Nugpura.
73	"	"	Prahladpura.
74	"	"	Chhatrapura.
75	"	"	Ladpura Kaithoon.
1	"	Digod.	Gokulpura.
2	"	"	Chhiperda.
3	"	"	Nimoda.
4	"	"	Onkapura.
5	"	"	Chandrawala.
6	"	"	Balapura.
7	"	"	Atraliya.

8	Kotah	Digod.	Bhagwanpura.
9	"	"	Koraswan.
10	"	"	Mondawari.
11	"	"	Sholi.
12	"	"	Nayagaon Ahiran
13	"	"	Kasampura.
14	"	"	Mundla Jagir.
15	"	"	Bhimpura.
16	"	"	Paliya.
17	"	"	Dagariya.
18	"	"	Polai-Khurd.
19	"	"	Charheri.
20	"	"	Char.
21	"	"	Chaba.
22	"	"	Bhonra.
23	"	"	Garepan.
24	"	"	Amora.
25	"	"	Kharli Mahdit.
26	"	"	Karir Ka Khera.
27	"	"	Simliya.
28	"	"	Bambori.
29	"	"	Devpura.
30	"	"	Kalyanpura.
31	"	"	Ukelda.
32	"	"	Padasliya.
33	"	"	Kanwarpura.
34	"	"	Ummedpura.
35	"	"	Kalerewa
36	"	"	Digod.
37	"	"	Fatehpura.
38	"	"	Udpura.
39	"	"	Digerja.
40	"	"	Tharla.
41	"	"	Kherli.
42	"	"	Haripura.
43	"	"	Bagatari.
44	"	"	Jalimpura.
45	"	"	Kaoholiya Jagir.
46	"	"	Mehandi.
47	"	"	Toran.
48	"	"	Gumanpura.
49	"	"	Prempura.
50	"	"	Sultanpura.
51	"	"	Rampura.
52	"	"	Amerpura.
53	"	"	Surela.
54	"	"	Chawarhedi.
55	"	"	Dervi Ji Jagir.

56	Kotah	Digod	Daber Jagir.
57	"	"	Richha hori.
58	"	"	Jeyaheri.
59	"	"	Kherli Dhakran.
60	"	"	Kherli Chata.
61	"	"	Sarola Jagir.
62	"	"	Kachnawda.
63	"	"	Kakrawda.
64	"	"	Chinsa.
65	"	"	Rugni.
66	"	"	Pachra.
67	"	"	Ballabhpura.
68	"	"	Dhori.
1	"	Sangod.	Kehdli-Gudla.
2	"	"	Ramgarh.
3	"	"	Saluniya.
4	"	"	Rajgarh.
5	"	"	Gudla.
6	"	"	Guwada.
1	"	Antah.	Bargaon.
2	"	"	Mundla.
3	"	"	Patonda.
4	"	"	Pipalda.
5	"	"	Mandpur.
6	"	"	Pachel Kalan.
7	"	"	Pachel Khurd.
8	"	"	Sarknya.
9	"	"	Kachri.
10	"	"	Tikhod.
11	"	"	Rooppura.
12	"	"	Balakhera.
13	"	"	Berkhera.
14	"	"	Lisari.
15	"	"	Takha.
16	"	"	Ankri.
17	"	"	Bambuliyan Jogiyen.
18	"	"	Dhaturiya.
19	"	"	Gopal pura.
20	"	"	Molki.
21	"	"	Bamuliya mataji.
22	"	"	Amma.
23	"	"	Antah.
24	"	"	Deliya Heri.
25	"	"	Nagda.
26	"	"	Bamori.
27	"	"	Thikariya.
28	"	"	Ganeshpura.
29	"	"	Dhakarkheri.

30	Kotah.	Antah	Dugari.
31	"	"	Tamkhera.
32	"	"	Palaytha Jagir.
33	"	"	Bhojya Kheri.
34	"	"	Bishna Kheri..
35	"	"	Raipura.
36	"	"	Rateria.
37	"	"	Amalsra.
38	"	"	Gulabpura.
39	"	"	Kishanpura.
40	"	"	Balra.
41	"	"	Ladwara.
42	"	"	Ghori Gaon.
1	"	Baran.	Shampur.
2	"	"	Lasdiya.
3	"	"	Pitampura urf. Mathni
4	"	"	Gopalpura.
5	"	"	Mathna.
6	"	"	Bhotasui.
7	"	"	Khedra Mandolya.
8	"	"	Tasaya.
9	"	"	Koyla Jagir.
10	"	"	Manpura Jagir.
11	"	"	Miyana.
12	"	"	Ulthi.
13	"	"	Kotri Jagir.
14	"	"	Khedli Kesho.
15	"	"	Majrawata.
16	"	"	Kalyan Taraghata.
17	"	"	Raroti.
18	"	"	Tejgarh Jagir.
19	"	"	Sadigarh Jagir.
20	"	"	Rathoda Jagir.
21	"	"	Pipalda.
22	"	"	Kheri.
23	"	"	Bambuliya.
24	"	"	Badan.
25	"	"	Ranihera.
26	"	"	Senkli.
1	"	Mangrol.	Mangrol.
2	"	"	Mau.
3	"	"	Karariya.
4	"	"	Keenjha.
5	"	"	Khanpuriya.
6	"	"	Rambori Kalan.
7	"	"	Jarela.
8	"	"	Balunda.
9	"	"	Kashipura.



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10	Kotah.	Mangrol.	Pali.
11	"	"	Dhokal Kheri.
12	"	"	Mal Bambori.
13	"	"	Rampura Bhagtan.
14	"	"	Balapura.
15	"	"	Rawal Jhawal.
16	"	"	Mardi.
17	"	"	Bhatediya.
18	"	"	Bavgarh.
19	"	"	Raingarh.
20	"	"	Padliya.
21	"	"	Mahuwa.
22	"	"	Rakashpura.
23	"	"	Raithal.
24	"	"	Mundli.
25	"	"	Sokhanda.
26	"	"	Borda.
27	"	"	Sindhniya.
28	"	"	Jaital Heri.
29	"	"	Nadliya.
30	"	"	Kushya.
31	"	"	Kundla.
32	"	"	Kishanpura.
33	"	"	Indra Heri.
34	"	"	Siswali.
35	"	"	Sonwa.
36	"	"	Sheopura.
37	"	"	Rampuriya.
38	"	"	Bhatedi.
39	"	"	Udpuriya.
40	"	"	Balapura.
41	"	"	Pakal Khera.
42	"	"	Shahpura.
43	"	"	Nawlpura.
44	"	"	Chhatrapura.
45	"	"	Jaloda teja ji.
46	"	"	Chandra heri.
47	"	"	Keka Kheri.
48	"	"	Balwan heri.
49	"	"	Bhojya kheri.
50	"	"	Simalya.
51	"	"	Lisaya.
52	"	"	Patpara.
53	"	"	Rampura Bajed.
54	"	"	Shrinal.
55	"	"	Dhumar kheri
56	"	"	Kanada.
57	"	"	Kodawari.

58	Kotah	Mangrol.	Shrinal Jagir.
59	"	"	Paparli.
60	"	"	Ishar pura.
61	"	"	Mandiya.
62	"	"	Jurawdiya.
63	"	"	Mahal pura.
64	"	"	Nand Ganuri.
65	"	"	Gurawadiya.
66	"	"	Sigola Jagir.
67	"	"	Jhadwa.
68	"	"	Gudrawani.
69	"	"	Pagara.
70	"	"	Karadiya Jagir.
71	"	"	Bhagwanpura.
72	"	"	Bot.
73	"	"	Bhatwara.
74	"	"	Hingoniya.
75	"	"	Chainpura.
76	"	"	Rampura.
1	"	Barod.	Fatehpur.
2	"	"	Kherli Khusk.
3	"	"	Durjanpura.
4	"	"	Lakh Sanija.
5	"	"	Kunetiya.
6	"	"	Ramnagar.
7	"	"	Morana.
8	"	"	Mandariya.
9	"	"	Jhargoan.
10	"	"	Pipalda Sand.
11	"	"	Mandawara.
12	"	"	Baldevpura.
13	"	"	Jhoteli.
14	"	"	Nimli.
15	"	"	Kherli Tanwaran.
16	"	"	Jahangirpura.
17	"	"	Hanotiya.
18	"	"	Mehrana.
19	"	"	Doberli.
20	"	"	Jeeya Kheri.
21	"	"	Pali.
22	"	"	Dediya Kheri.
23	"	"	Khera Bhopal.
24	"	"	Choper Kheri.
25	"	"	Nerpat Kheri.
26	"	"	Jharol.
27	"	"	Rampura.
28	"	"	Kumla
29	"	"	Huripura.
30	"	"	Kherli Shehran.

31	Kotah	Barod.	Kotra Jagir.
32	"	"	Nimoda.
33	"	"	Narsinghpura.
34	"	"	Bamboliya Samal.
35	"	"	Madanpura.
36	"	"	Divaniya.
37	"	"	Sangaheri.
38	"	"	Piplada Smel.
39	"	"	Mohmmadpurá.
40	"	"	Mangahori.
41	"	"	Abra
42	"	"	Ralayta.
43	"	"	Kotra Deepsingh.
44	"	"	Pipalda Viran.
45	"	"	Ganwri Jagir.
46	"	"	Barod.
47	"	"	Kishangunj.
48	"	"	Takerwara.
49	"	"	Budhadit.
50	"	"	Ummedpura.
51	"	"	Khiawada.
52	"	"	Edalgsrh Jagir.
53	"	"	Bagawda.
54	"	"	Kherli Parasram.
55	"	"	Sanija Bawri.
56	"	"	Banetiya.
57	"	"	Dhanwan .
58	"	"	Borkhera.
59	"	"	Kherula.
60	"	"	Bhuden.
61	"	"	Bambulia Rawtan.
62	"	"	Dhansuri.
63	"	"	Morpa.
64	"	"	Natada.
65	"	"	Khandgaon.
66	"	"	Shahpura.
67	"	"	Napahera.
68	"	"	Kishorpura.
69	"	"	Champa Kherá.
70	"	"	Bislaie.
71	"	"	Barana.
72	"	"	Bankya Jagir
73	"	"	Jakhron.
74	"	"	Aaten.
1	"	Itawa.	Itawa.
2	"	"	Kodawra.
3	"	"	Ganesh Gunj.
4	"	"	Gundi.

5	Kotah	Itawa.	Sugena.
6	"	"	Derli.
7	"	"	Nonesh.
8	"	"	Kherli Nonesh.
9	"	"	Khervan.
10	"	"	Rampura.
11	"	"	Amla.
12	"	"	Rajopa.
13	"	"	Keshopura.
14	"	"	Fatehpura.
15	"	"	Gurodia.
16	"	"	Dadwara.
17	"	"	Narainpura.
18	"	"	Jhadol.
19	"	"	Doli.
20	"	"	Kishanpura.
21	"	"	Kherdli Borda.
22	"	"	Kherda.
23	"	"	Vinayka.
24	"	"	Mundli.
25	"	"	Kishan Vas.
26	"	"	Bejawar.
27	"	"	Nalayata.
28	"	"	Ayana.
29	"	"	Chhatrapura.
30	"	"	Ayani.
31	"	"	Premapura.
32	"	"	Raghunathpura.
33	"	"	Jaloda.
34	"	"	Shripura.
35	"	"	Kaukra.
36	"	"	Kolana.
37	"	"	Dolatpura.
38	"	"	Dhivori.
39	"	"	Bambulia Ghata.
40	"	"	Luvawda.
41	"	"	Ganeshpura.
42	"	"	Gandawad.
43	"	"	Ganesh Khera.
44	"	"	Kherli dev.
45	"	"	Durjanpura.
46	"	"	Badoli.
47	"	"	Mithod.
48	"	"	Kerjoda.
49	"	"	Bambuliya Khera
50	"	"	Khera.
51	"	"	Haripura.
52	"	"	Nimoda.

53	Kotah	Itawa.	Laxmipura.
54	"	"	Dandora.
55	"	"	Matoli.
56	"	"	Kanwalda.
57	"	"	Manpura.
58	"	"	Chanda.
59	"	"	Budli.
60	"	"	Khedli.
61	"	"	Arnya.
62	"	"	Vijayapura.
1	"	Indergarh.	Godra I.
2	"	"	Nimola.
3	"	"	Miyana.
4	"	"	Ghatoda Jagir.
5	"	"	Udaipura.
6	"	"	Gwadi.
7	"	"	Bagli.
8	"	"	Thikarda.
9	"	"	Godra Jagir.
10	"	"	Gihara Jagir.
11	"	"	Gopal Jagir.
12	"	"	Ashoda.
13	"	"	Bhanwa.
14	"	"	Bagoda.
15	"	"	Nilod.
16	"	"	Shivdanpura.
17	"	"	Nayagaon.
18	"	"	Kaithoda.
19	"	"	Gudla.
20	"	"	Jatwadi.
21	"	"	Chak Gawadi.
22	"	"	Rampura.
23	"	"	Baluya Kakroda
24	"	"	Shergunj.
25	"	"	Sangram Gunj.
26	"	"	Banihal urf Sumerpura
27	"	"	Baijura.
1	"	Pipalda.	Khatoli.
2	"	"	Kirpura.
3	"	"	Dev Nimri.
4	"	"	Lakhni.
5	"	"	Chatrapura.
6	"	"	Gordhanpura.
7	"	"	Ramkhera.
8	"	"	Talab.
9	"	"	Banjari.
10	"	"	Sumerpur.
11	"	"	Ganesh Khera

12	Kotah.	Pipalda.	Sabji Pura.
13	"	"	Fatehpur.
14	"	"	Jatwara.
15	"	"	Gopalpura.
16	"	"	Pusod.
17	"	"	Dungarli.
18	"	"	Shohnavad.
19	"	"	Chiawda.
20	"	"	Marjana.
21	"	"	Rohali.
22	"	"	Jorawarpur.
23	"	"	Bhaironpura.
24	"	"	Bhawanipura.
25	"	"	Bandila.
26	"	"	Girdharpura.
27	"	"	Mor Khundna.
28	"	"	Biroda.
29	"	"	Farera.
30	"	"	Karwara.
31	"	"	Sobhagpura.
32	"	"	Padli.
33	"	"	Devpura.
34	"	"	Kherli.
35	"	"	Khiyawda.
36	"	"	Pipalda Khurd.
37	"	"	Kajaliya.
38	"	"	Ron.
39	"	"	Kanwerpura.
40	"	"	Kherli Kishanpura.
41	"	"	Kherli Pipalda.
42	"	"	Chak Kherli.
43	"	"	Pipalda Kalan.
44	"	"	Barodiya.
45	"	"	Gainta.
46	"	"	Tawa Kherli.
47	"	"	Raghunathpura.
48	"	"	Kishanpura.
49	"	"	Borda.
50	"	"	Samanpura.
51	"	"	Hatoli.
52	"	"	Nimsara.
53	"	"	Kakrawda.
54	"	"	Sinoda.
55	"	"	Ramgunj.
56	"	"	Shergunj.
57	"	"	Kakawda.
58	"	"	Chak Kakawda.
59	"	"	Pada.

60	Kotah	Pipalda.	Bomdodiya Kalan.
61	"	"	Bamboliya Khurd.
62	"	"	Rajpura.
63	"	"	Kirpura.
64	"	"	Ummedpura.
65	"	"	Shivpura.
66	"	"	Dhibari.
67	"	"	Bhainrupura.
68	"	"	Kherli Pema.
69	"	"	Kherli Chak.
70	"	"	Dodi.
71	"	"	Chak-Dodi.
72	"	"	Sherpur.
73	"	"	Bagrod.
74	"	"	Shergunj.
75	"	"	Kandila.
76	"	"	Bhopalgunj.

FORM I  
(See rule 4).

List of Government Lands.

Name of Tehsil ..... District .....

S. Name of Khasra Area.			If irrigated.		Khesra No. in which	
No.	Village.	No	Source of irrigation.	Condi- tion.	source	situated.
1	2	3	4	5	6	7
If under possession			Soil Class		Details	
Name of Condition		Rent paid.	According to settlement.		According to present clas- sification.	
person in possession.	of possession.				of cultur- able area.	
8	9	10	11	12	13	14

FORM II

[See rule 6 (I)]

Register of Rectangles.

Name of Tehsil ..... Name of District .....

S.			Area included in the rectangle.	
No.	Name of Village.	Number of rectangle.	Khasra No	Area
1	2	3	4	5
Details of possession if held by a temporary tenant.				
Name of tenant.	Khasra No.	Area.	Authority under which held.	Remarks.
6	7	8	9	10

FORM III

[See rule 6 (2)]

List of Government Lands that cannot be divided into Rectangles

Name of Tehsil..... Name of District.....

S. No	Name of Village.	Khasra No.	Area.	Soil Class.		Remarks.
				According to *settle-ment.	According to present clas-sification.	
1	2	3	4	5	6	7

\*Current

FORM IV  
(See rule 9)  
Proclamation.

Whereas.....bighas/acres of Government lands, situated in village.....of this Tehsil is available for allotment for agricultural purposes under the Rajasthan ( Chambal Project Government Lands Allotment and Sale) Rules, 1957, this proclamation is hereby issued under rule 9 of the said Rules; and all concerned are hereby informed that any person who wishes to apply for allotment of any of the lands available for allotment should apply to the under signed within one month of the issue of this proclamation on the prescribed form. The list of the lands available for allotment may be seen at the Colony Tehsil Office during office hours on any working day between the date of this proclamation and the date of expiry of the period for submission of applications. Take note that out of the area, available for allotment ..bighas/acres ..have been reserved for allotment to persons belonging to the scheduled tribes, scheduled castes, and backward classes and to ex-servicemen.

Issued under my hand and the seal of this office this.....day of.....

FORM V  
( See Rule 10 )

To  
The Tehsildar  
Tehsil.....  
District.....

Sub:--Application for allotment of land under the Rajasthan Colonisation ( Chambal Project Government Lands Allotment ) Rules, 1957.

Sir,  
I.....s/o.....caste.....r/o  
.....Tehsil.....District.....hereby  
state as under:--

%Particulars to be stated  
\*(1) That I am a displaced agriculturist within the meaning of clause (vi) of rule 2 of the above rules, my lands, particulars whereof are given on the margin%, having been acquired for the construction of.....



project

of its canals.

of.....other works

or

%Particulars to be stated \*That I am a landholder whose lands, particulars whereof are given on the margin%, have been submerged in .....reservoir constructed on... project/or acquired for the construction of canals etc.

\*Strike out whatever is in applicable.

or

\*That I am a landless tenant within the meaning of clause (viii) of rule 2 of the above rules

or

\*That I am an agricultural labourer and work as such at.....

or

\*That I am an ex-soldier having served in... and having been discharged on.....

or

\*That I am a temporary tenant having been sanctioned a lease for.....by Particulars to be stated.

(2) That I \*hold the undermentioned lands/do not hold any land.

Name of village.	Name of Tehsil with name of District.	Khasra No.	Area.	Soil Class.	
				Nehri.	(Irrigated from canals)
				Chahi.	(Irrigated by wells situated in Khasra No.)
				Talabi.	(Irrigated from tank)
				Tank bed	
				Dehri.	
				Sailabi.	
				Baran.	
				Banjar.	

(3) That I own.....Cattle... ..ploughs.

(4) That my family consists of:—

Adults.

Children.

Male

Female

Male

Female.

\*Strike out whatever is in applicable.

2. I, therefore, hereby request that I may be allotted the undermentioned lands for cultivation:—

Name of village with name of Tehsil Khasra No. Area. Soil Class.  
and District.

3. I hereby agree to abide by the provisions of (1) the Rajasthan Colonisation Act, 1954 (2) the Rajasthan Colonisation (General Colony) Conditions, 1955 and (3) these Rules.

4. I further undertake to pay the price of the land as fixed by the Government.

Yours faithfully,  
(Signature)

Witness.

I.....s/o..... caste.....r/o.....verify that the statements made in the above application are true to the best of my knowledge.

Signature

### FORM VI

(See Rule 19)

#### Notice of Sale.

Notice is hereby given to the General Public that the Government lands as described in the annexed schedule shall be sold by public auction subject to the conditions attached hereto at.....  
(Name of place).

The auction shall be held by an officer appointed under rule 20 of the Rajasthan Colonisation (Chambal Project, Government Land Allotment and Sale) Rules, 1957 and shall commence at..... a.m. on the.....

Alloting Authority  
Collector.....

#### Schedule of Government Lands

##### Description of the land.

Name of lot.	Khasra No or rectangle No.		Area	Reserved area of the land (Chak or village where the land is situated).	Reserved price for the land.	Remarks.
	1	2	3	4	5	6

#### Conditions for Sale.

(1) All lands sold shall be sold subject to the provisions of the Rajasthan Colonisation Act, 1954, the Rajasthan Colonisation (General Colony) Conditions, 1955, and the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957.

(2) Lands shall be sold in lots as given in schedule with reserved price for each land as given in the schedule.

(3) The bidder shall—

- (i) deposit an earnest money amounting to 5% of the total reserved price of each area in cash. This earnest money shall be refunded on the spot to the unsuccessful bidder at the conclusion of the auction.
- (ii) sign a declaration before the officer conducting the auction that he does not hold any land in his own name or in the name of any member of the joint family or if he holds lands the total area of the land already held and of the land that he wishes to purchase at the auction shall not exceed the area prescribed for the Tehsil concerned for the purposes of clause (a) of section 180 of the Rajasthan Tenancy Act, 1955 and that he undertakes to cultivate the lands personally.

(4) No bid less than the reserved price for any land shall be considered and the highest bid shall be communicated to the State Government. The sale shall not be complete unless and until the bid has been accepted by the State Government.

(5) The State Government reserves the right to reject any bid without assigning any reason therefor or to withdraw any lots or plots from auction at any time without assigning any reason.

(6) A sum equivalent to twenty-five per cent of the purchase price shall have to be deposited in cash by the bidder whose bid is to be recommended to Government immediately at the conclusion of the bid, and the balance must be paid in cash or by a demand draft or cheque drawn on a scheduled bank having its branch in Rajasthan within one month from the date of the communication to him of the confirmation of sale by the State Government.

(7) Should any purchaser fail to observe or comply with any of the foregoing conditions his deposit shall be forfeited to the State Government, which may have the land re-sold by a public auction, and any deficiency of price which may result on such re-sale shall be made good and paid by the defaulting purchaser.

(8) If it is discovered at any time that the declaration made by the bidder about his present holding is false, the excess of the land, and if the Purchaser fails to cultivate the land personally, the whole of the land sold, may be resumed by the Government without payment of compensation.

By Order of the Governor,  
M. G. DALELA,  
*Secretary to the Government.*

*Notifications under*

**THE RAJ. COLONISATION (CHAMBAL PROJECT GOVERNMENT  
LANDS ALLOTMENT AND SALE) RULES, 1957.**

*Published in Raj. Raj-patra part IV (c) dated September 22, 1960 at page 372*

Jaipur, September 7, 1960.

*No. F. 6 (455) Rev. (A)/B/57/Irg.I.*—In exercise of the power reserved by Government by rule 7, clause (b) of sub-rule 8 and rule 18 of the Rajasthan Colonisation (Chambal Project Government Lands allotment and Sale) Rules, 1957, it is hereby notified for general information that the State Government has decided that, after reservation of the number of rectangles required for allotment to temporary tenants, to whom land to the extent of one rectangle of 10 acres shall be allotted at a reserved price, the rest of the area shall be disposed of by public auction, subject to the condition that in the case of small patches not exceeding three acres in area, the bidding shall be confined to the tenants of contiguous fields and preference shall be given among such bidders to the tenant with the smallest holding.

# The Rajasthan Colonisation Project Areas Brick Kiln (leases) Conditions, 1959.

Irrigation Colonization and Mandies Department

## NOTIFICATION

Jaipur, March 21, 1959.

No. F. 6 (123) Rev./B./56.—In exercise of the powers conferred by section 28 read with sub-sections (1) and (2) of section 7 of the Rajasthan Colonisation Act, 1954, (Rajasthan Act XXVII of 1954), the Government of Rajasthan is hereby pleased to prescribe the following statement of conditions for grant of leases of land for Brick Kilns in the Project Areas.

1. *Short title.*—This statement of conditions may be called the Rajasthan Colonisation Project Areas Brick Kiln (leases) Conditions, 1959.

### Notes

These rules have been framed on the authority of rule making power as contained in section 28 of the Rajasthan Colonisation Act, 1954.

The rules prescribe conditions for the grant of leases of land for Brick Kilns in the Project areas. The conditions have been prescribed as required under sub-sections (1) and (2) of section 7 of the Act.

Rules 6 and 9 of these rules were subsequently amended vide Irrigation, Colonisation and Mandies Department Notification No. F 7 (42) Irg./59 dated 12th April 1960, published in Rajasthan Gazette, Part IV (C) dated 28-4-1960. The amendments have been incorporated in these rules.

2. These conditions shall apply to the Bhakra Project Area, Rajasthan Canal Project Area and the Chambal Project Area.

3. *Interpretation.*—In this statement of conditions, unless there is anything to the contrary in the subject or context—

(a) "The Act" means the Rajasthan Colonisation Act, 1954;

(b) "Government" means the Government of Rajasthan.

(c) "Lessee or allottee" includes any person holding land under a lease and shall be deemed to include his successors and assigns and when the said terms include his co-sharers any liability imposed by these conditions shall be the joint and several liability of each co-sharer;

(d) "Minerals" include all substance of a mineral nature which can be won from the earth, such as coal, earth Oil, stones and form of Soil which can be used for a profitable purpose on removal whether existing on, over, or below the surface of the land.

4. *Exceptions and reservations on behalf of Government.*—(a) Government hereby excepts and reserves to itself all rights over

mines, minerals and quarries, including all substance of mineral nature other than those which are required for the making of bricks, which may be won from the earth, whether on the surface or below it, with liberty to search for, work and remove the same, in as full and ample a way as if this allotment had not been made.

(b) For the full enjoyment and use of any of the rights hereby reserved or stipulated or for the protection and maintenance of any property hereby excepted, it shall be lawful for Government through its authorised agents or for any officer of the Government duly authorised in that behalf, to enter any land and occupy it in any manner as may be necessary.

(c) If the lessee at any time fails to erect, construct or maintain proper boundary marks in accordance with the conditions of this allotment the Collector may without prejudice to any other rights hereby conferred by law on the allottee or the Government, cause such boundary marks to be erected or constructed or repaired as the case may be and may recover the cost incurred thereby from the lessee.

5. *Demarcation of plots.*—Plots not exceeding 10 bighas for each brick kiln shall be demarcated in the area reserved for establishment of brick kilns.

6. *Allotment.*—(1) The Plots so demarcated shall be leased to public by auction for a period not exceeding ten years at a time.

(2) Plots may be reserved for the Government departments for running kilns, manufacture of bricks for the use of the department concerned on payment of the prescribed lease money, royalty and water rates. The departments will have to work such kilns departmentally.

(3) Plots may be given to Co-operative Societies for a period not exceeding ten years [on a rent of Rs. 40/- per bigha per annum in addition to the usual royalty and water charges.]

#### Notes

Words, "on a rent of Rs. 40/- per bigha per annum in addition to the usual royalty and water charges" appearing in brackets have been substituted for the original words "at a premium fixed by the Government" vide amending notification.

7. *Auction Notice.*—(a) The Collector shall issue a notice for the intended auction in the form given in annexure I.

(b) The notice shall be published for general information in the official Gazette or by beat of drum in the concerned area or in any manner considered suitable by the Collector. A copy of the notice shall also be pasted on the Notice Board of the office of the Collector.

8. *Description of the plots.*—Lease of the plots by auction will be made by reference to the number shown in the plan at the office of the Director of Colonisation.

9. *Rent and Royalty.*—Soon after a lease is sanctioned by the Collector, the lessee shall deposit the amount of the bid given at the

auction in addition to usual royalty and water charges according the rules in force. The Government departments shall deposit the lease money @ Rs. 20/- per annum per plot besides the amount of usual royalty and water charges. The Co-operative Societies shall deposit the amount of rent at the rate mentioned in condition 6 (3) besides the amount of royalty and water charges.

#### Notes.

Words, "or Co-operative Societies". previously appearing between the words, "The Government department" and "shall deposit the lease money", have been deleted and the last sentence of the rule, beginning with the word, "The Co-operative Societies shall deposit" and ending with the words, "and water charges", has been added vide the same amending notification.

10. *Period*—The lease shall be granted for such period as the Collector may fix not exceeding 10 years at a time and the Mining Department shall issue licence and shall renew it every year till the period expires,

11. *Obligations of lessees*.—The lessees shall execute agreements in the prescribed form and thereby covenant with the Government as follows:—

(a) To pay to, or on behalf of Government the rent and any payments which may become due under the lease at the proper time and place and in such manner as may be prescribed by law or by order of a competent authority.

(b) To agree to use the whole or any part of land only for the purpose for which the lease is granted namely making of a brick kiln and not to use it in any other manner likely to lessen its value or erect any permanent structure thereon not connected with the purposes for which the lease is granted.

(c) To erect or construct permanent marks demarcating correctly the boundaries and limits of the land at all times to maintain the same in good repairs in accordance with any directions issued in that behalf by the Collector from time to time.

(d) Not to do or suffer to be done any act inconsistent with or injurious to any of the rights hereby excepted and reserved to the Government or any other person and in particular to permit without let or hindrance all officers or servants of Government, or other persons duly authorised by Government in this behalf, to enter the land at all times and do all acts and things necessary for or incidental thereto; and for:—

(i) the purpose of enforcing compliance with any of the terms of the lease; and

(ii) any purpose connected with the full enjoyment, discovery and use of the mineral or other rights reserved to Government,

without any claim to compensation whether by remission of rent or otherwise except as may be specifically provided.

(e) Not to interfere with the lawful use by the public of the existing rights and easements thereon by any third person.

(f) Not to assign, sublet or transfer by mortgage or otherwise or part with the land or any part thereof, without the permission in writing of the Government.

(g) to follow the classification and specification of the bricks which is prescribed by the Public Works Department, Buildings and Roads Branch and to classify bricks and stack them according to Public Works Department's specification at the brick kiln site.

(h) To commence the sale of bricks, surkhi and tiles to the public within two months from the date of allotment of land.

(i) To give priority to a demand from any Department of the Government for the supply of bricks, tiles or Surkhi and to make the supply as per order within the specified time and at such rates as may be fixed by a Committee consisting of the following:—

(a) The Director of Colonisation or any other officer appointed by him;

(b) The Executive Engineer, B & R;

(c) A representative of the lessee or the allottee; and

(d) A representative of the Brick Kiln Owners.

(j) The allottee or any other person holding the land or any part thereof binds himself that if he commits breach of any of the aforesaid conditions or fails to perform any of the conditions of allotment or suffers or permits such breach or non-performance, the Collector shall at any time after giving him a reasonable notice and an opportunity to appear and state his objections, be entitled to determine the demise and re-enter on the land and, if necessary, require the allottee to pull down and remove any building, structure or constructions made on the site or material lying thereon within a period specified by the Collector after the determination of the lease, and on his failure to do so, the Collector shall be free to cause the same removed at his expenses or to fix and pay reasonable compensation for the same after deducting any amount that may be found due from him on the date of such payment and the cost incurred in the removal of structures, whereupon such building and material etc. shall absolutely vest in the Government.

By Order,  
Z. S. JHALA,  
Secretary to the Government.



## ANNEXURE I

(See condition No. 7)

Form of notice of Lease by public auction of sites for Brick  
kilns at.....In Bhakra Project area of Ganganagar  
District

### NOTICE

Notice is hereby given to the general public that sites number  
..... being the property of State Government and reserved for brick kilns, shall be leased by public auction at.....  
on the conditions contained in the Rajasthan Colonization Project  
Areas Brick Kilns (leases) conditions, 1959.

The auction will be held by an officer appointed by the Director,  
Colonization and will commence at.....a. m. on the...  
.....

*Plans:*—Plans showing full details of the property to be leased  
will be opened for inspection on any working day from.....  
..... at the office of the Director Colonization,.....  
.....wherefrom further information can also be obtained.

Director of Colonization,  
Bhakra Project Hanumangarh.

# The Rajasthan Colonisation (Grant of Land for Residence in Chak-Abadi) Rules, 1959.

Irrigation, Colonisation and Mandies Department  
NOTIFICATION

Jaipur, February 8, 1960.

No. F. 6 (28) Rev. B/56/lrg.—In exercise of the powers conferred by section 28 read with sub-section (1) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the Government of Rajasthan is hereby pleased to make the following rules regarding conditions on which land may be granted in Chak Abadi in the Bhakra Project area for purpose of building houses for residence and further direct that these rules may be regarded as a statement of conditions for the above mentioned purpose under sub-section (2) of section 7 namely:—

1. *Title*.—These rules may be called the Rajasthan Colonisation (Grant of land for residence in Chak Abadi) Rules 1959.

*Notes.*

The present rules have been framed with a view to prescribe conditions on which land may be granted in Chak Abadi in the Bhakra Project area. These rules have been framed on the authority of Section 7 of the Rajasthan Colonisation Act, 1954. Sub-section (1) of section 7 of the Act authorises the State Government to grant land in a colony to any person on such conditions as may be prescribed. The present rules prescribe such conditions in respect of Bhakra Project area. Sub-section (2) further authorises the State Government to issue a Statement or Statements of the Conditions on which it is willing to grant land in a colony to a tenant. These rules are to be regarded as Statement of conditions under sub-section (2) of section 7 of the Act.

2. *Interpretation*.—In these rules:—

(1) "Chak Abadi" means the land set apart in a Chak in Bhakra Project area for purposes of habitation;

(2) "Plot" means a plot of land marked out for construction of a house for residential purposes;

(3) "Chak Abadi Plan" means a plan approved by the Collector for the Abadi of a Chak in the Colony.

(4) All other expressions used in these rules shall, unless there is something to the contrary in the subject or context, bear the meaning if any, assigned to them in the Rajasthan Colonisation (General Colony) Conditions, 1955.

3. *Size of plots*.—There will be three types of residential houses measuring 100'×75', 75'×60' & 60'×60' each. They will hereinafter be called A, B and C types respectively.

4. *Persons eligible for allotment*.—The grantees of Khatedari rights in the agricultural lands, their sub-tenants and the village servants will be entitled to allotment of residential sites in the Chak Abadi.

5. *Procedure for allotment*.—Applications for allotment of plots shall be made to the Tehsildar Colonisation concerned in writing with details of Chaks and village wherein he holds land and of residential accommodation if any.

6. *Disclosures.*—The applicant, with his application, shall attach copies of Fard Khatas of the land held by him in a Chak or Chaks. In case he holds land in more than one Chak he shall state in the application the number of the Chak in which he wants residential plots.

A Sub-tenant of a Khatedar shall attach copy of the Girdawari as proof of his being a sub-tenant. A muafidar will attach with his application a copy of the order of his appointment.

7. *Verification of application.*—The Tehsildar will register the application as a separate case and get report from the Patwari, concerned with regard to the correctness of the statement made in the application and availability of the plots applied for.

8. *Publication.*—A notice of 15 days in the form 'A' (enclosed herewith) inviting objections to the allotment of plot applied for shall be pasted in the village Chaupal and at the site and the contents thereof shall be announced by beat of drum for which annas eight will be charged from the applicant.

9. *Patwari's report.*—Patwari's report must be received before the expiry of the notice period together with a copy of notice and a certificate of its publication duly signed by him and the Lambardar.

10. *Objections.*—If any objections are received, the Tehsildar will dispose of the objections and submit the case with his recommendation to the Collector.

11. *Price.*—Price shall be chargeable for such area as exceeds the area which a Khatedar tenant is under section 31 of the Rajasthan Tenancy Act, 1955 entitled to hold free of charge, for a residential house in a Chak in which he holds lands.

These Khatedar tenants and subtenants who already hold more land than the scale fixed under Rule 15 of the Rajasthan Tenancy (Govt.) Rules, 1955 without payment of price shall be liable to pay full price for the area allotted to them in the Chak Abadi under these rules.

12. *Purpose of grant*—A grant made under these rules shall be for residential purposes only and the plot shall not be used at any time for any purpose other than residence. In no case shall this plot be converted into a place for public worship or public preaching of any faith or religion.

13. *Payment of price.*—The allotment of plots shall be made in the fixed price of 20 Naya Paisa per square yard (9 square feet) and the grantees shall have to pay, within 14 days of the receipt of allotment order the price due from him. The possession of the plot will be given after deposit of the price under proper head. In case there are more than one applications for the same plot it will be put to auction and sold to the highest bidder. The sale proceeds of plots will be deposited in the treasury as Government Revenue Receipts.

14. *Construction of building.*—The grantee shall have to commence construction of the building within 6 months from the date of grant according to the plan approved by the Collector and complete it within eighteen months to the satisfaction of the Collector failing which the site will be resumed by the Collector, without payment of any compensation for the part construction, if any made.

15. *Grant of Patta* —On the payment of the purchase price and completion of the building, the purchaser will be given a Patta in the Form B.

16. *Alienation.*—Until the price of the plots has been fully paid and the building has been constructed thereon, the grantee shall not alienate or transfer the plots granted to him without permission of the Collector.

17. *Shops.*—There will be 12 plots for construction of shops in each Chak Abadi. These plots will be sold by auction.

18. *Plots for religious and other public utility purposes.*—Plots in each Chak Abadi will be reserved for Gardens, Temples, Mosques, Schools and Panchayatghar etc. and will be allotted free of price. The powers shall be reserved with the Government.

19. *Entry of Government Officers.*—The grantees shall permit without lot or hinderance servants of the Government authorised in that behalf to enter the land or building thereon at all times for the purpose of enforcing compliance with any of the terms and conditions of the grant or of ascertaining whether they have been duly performed or observed provided that no residential building shall be so entered except at a reasonable time and after 24 hours notice.

20. *Arbitration.*—(1) If any question or difference whatsoever shall at any time arise after the making of the grant between Govt. and the grantee in any way touching or concerning the grant or the construction, meaning, operation the grant, or the construction, meaning, operation or effect of any of these rules or any other condition relating to the grant of any clause in any written instrument relative to the grant or as to the rights, duties or liabilities of either party under the grant or by virtue of any such condition or instrument or touching the subject matter of the grant or arising out of or in relation thereto then, save in so far as the decision of any such matter has been otherwise provided for and has been so decided, the matter in difference shall be referred to the arbitration of the Commissioner.

(2) The arbitrator shall have powers to decide any matter so referred including the following questions:—

(a) Whether any other provision has been made for the decision of any matter, and if such, provision has been made whether it has been finally decided accordingly, and

(b) Whether the grant should be terminated or has been rightly terminated and what are or will be the rights and obligations of the parties as a result of such termination.

(3) The decision of the arbitrator shall be final and binding; and when any matter so referred to arbitration involves a claim for the award, increase or reduction of a sum of money by way of compensation or any other payment or recovery of money, only the amount decided by the arbitrator shall be recoverable in respect of the dispute so referred.

By Order of the Governor,  
GOVERDHAN SINGH,  
Secretary to the Government.

### FORM A

( See Rule No. 9 )

#### Notice on Application for Residential Site.

It is hereby notified that.....

S/o..... Caste ..... Resident of .....  
..... as applied for.....  
sq. yards of land bounded on the north by.....  
on the east by..... on the south by.....  
and on the west by..... for allotment as a  
site for constructing a house. Persons having any objection to the  
grant of the land applied for should intimate the same to the Patwari  
of the village or to the undersigned direct, within fifteen days of the  
publication of this notice, whereafter no objection will be entertained.

.....  
Tehsildar Colonisation.  
Dated .. ..

### FORM 'B'

( See Rule 15 )

#### Form of Patta for allotment of land for residential purposes in chak abadies.

#### PATTA

It is hereby certified that the plot specified below and situated  
in the abadi of chak..... Tehsil.....  
District..... has been allotted to Shri .....  
tenant of chak..... Tehsil..... District.....  
..... for residence on payment of Rs .. .. as  
charges.

The site shall be held by the above tenant and his heirs and  
assignee subject to the provisions of the Rajasthan Colonisation Act,  
1954 (Rajasthan Act 27 of 1954) and Rajasthan Colonisation (Sale  
of plots for Residence in Chak Abadies) Conditions, 1957 :—

No. of plot with boundaries.

Dimensions. Area.

Dated

Director of Colonisation.

# Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960.

Irrigation, Colonization & Mandis Department

## NOTIFICATION

Jaipur, June 23, 1960.

No. F. 7 (67) Irg/60.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. 27 of 1954) and all other powers enabling it in this behalf, the Government of Rajasthan hereby makes the following rules for the sale of Government land, acquired or otherwise, for the establishment and development of mandis in the area to be served by the Chambal Irrigation Project, namely:—

### Rules

1. *Short title, extent and commencement*—(1) These rules may be called the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960.

(2) These rules shall come into force at once.

(3) These rules shall apply to the Mandis in the Chambal Irrigation project area.

### Notes.

Section 28 of the Rajasthan Colonisation Act, 1954 authorised the State Government to make rules generally for carrying into effect the provisions and purposes of the Act. The present rules have been framed in exercise of this general rule making power.

2. *Revocation*.—The Rajasthan Land Revenue (Sale of land in Mandis) (Chambal Irrigation Project Area) Rules, 1957 are hereby revoked but not so as to affect anything done or action taken under the rules so revoked.

3. *Definitions*.—In these rules—

(a) "Collector" means the Collector of a district and includes—

(i) any officer appointed by the State Government to perform all or any of the functions and exercise all or any of the powers of the Collector under the Rajasthan Land Revenue Act 1956, and

(ii) any officer appointed before or after the commencement of the Rajasthan Colonisation Act, 1954, for purposes of Colonisation;

(b) "Committee" means the Mandi Committee constituted under rule 4;

(c) "Mandi" means any area commanded by the Chambal Irrigation Project which is or is not included in the limits of any local authority or village abadi and which has been, or may here-

after be, declared by the State Government as a Mandi for the purposes of these rules and includes sites and plots of such area, demarcated for residential, commercial and industrial purposes.

(d) "Obnoxious industry" shall be deemed to be carried on or in any site or a building erected on a site, if the site or the building is used for any of the following purposes, namely:—

- (i) melting tallow, dressing raw hides, boiling bones, offal or blood;
- (ii) as a soap house, oil boiling house, dyeing house or tannery;
- (iii) as a brick field, brickkiln, charcoal-kiln pottery, or lime kiln;
- (iv) as any other manufactory, engine house, store house or place of business from which offensive or unwholesome smells, gases, noises or smoke arise;
- (v) as a yard or depot for trade in unslaked lime, hay, straw, thatching grass, wood, charcoal, or coal, or other dangerously inflammable material;
- (vi) as store-house for any explosive or for petroleum or any inflammable material.

4. *Constitution of a Committee.*—(1) The State Government shall, for the purposes of development of land in all the mandis in the Chambal Irrigation Project area, constitute a Mandi Committee which shall consist of the following:—

- |   |                   |
|---|-------------------|
| (1) Commissioner, Kotah Division, Koath.                | Chairman.         |
| 2. Collector of the district concerned.                 | Member.           |
| 3. Superintending Engineer, Town Planning               | Member.           |
| 4. Superintending Engineer, Buildings and Roads, Kotah. | Member.           |
| 5. Director of Colonisation Chambal Project.            | Member.           |
| 6. Executive Engineer, Mandi Division, Kotah.           | Member-Secretary. |

(2) The Committee constituted under sub-rule (1) may delegate any of its functions under these rules to a sub-committee thereof.

(3) The Committee may co-opt any person as a member thereof for any specific purpose.

(4) The Committee may make regulations for the conduct of its business.

(5) The headquarters of the Committee shall be at Kotah but the Committee may meet at any other place as and when necessary.

5. *Demarcation of area, their division into plots and manner of disposal thereof.*—(1) The Committee shall demarcate and reserve areas in a mandi, other than those lawfully demarcated and reserved, or to be so demarcated and reserved, for industrial purposes, separately—

- (i) for commercial purposes, or commercial cum residence purposes,
- (ii) for the residence of the members of the scheduled castes and scheduled tribes and of low income group citizens not assessable to income tax under the Indian Income Tax Act, 1922 (Central Act No. 11 of 1922);
- (iii) for the residence of persons other than those described in clause (ii); and
- (iv) for any public purpose or any special purpose or for any class of persons.

(2) The Committee shall divide every area demarcated and reserved by it for any purpose under sub-rule (1) into plots of such size as it may deem fit.

(3) The plots demarcated and reserved for the purposes mentioned in clause (i) of sub-rule (1) shall be sold by public auction.

Provided that any land lawfully demarcated and reserved for industrial purposes shall be disposed of, under and in accordance with the Rajasthan Industrial Area Allotment Rules, 1959

(4) The plots demarcated and reserved for the purposes mentioned in clause (ii) of sub-rule (1) shall be sold by allotment.

(5) The plots demarcated and reserved for any other purposes may be sold either by public auction or by allotment, as the Committee deems fit.

6. *Sale by auction.*—In respect of the plots to be sold by public auction under sub-rule (3) or sub-rule (5) of rule 5, the Secretary of the Committee shall issue an auction notice for the intended sale in the form given in Annexure I. The auction notice shall be published for general information in the Official Gazette or by beat of drum in the concerned area, or in any other manner considered suitable by the Committee. A copy of the notice shall also be pasted on the notice board of the office of the Secretary of the Committee and on that of the Collector.

7. *Description of the plots.*—Bid for the plots will be invited by reference to the numbers shown in the plan at the office of the Secretary of the Committee. Any minor mistake or error in the auction notice as respect the reference or description, shall not annul the sale, nor shall any compensation be given in respect thereof.

8. *Sale price.*—(a) Every plot of land shall have an upset price determined by the Committee and no bid lower than the reserve price shall be accepted. Bids shall be received subject to the upset price and to the right of the Committee through any of its agents to bid up to or beyond such reserve price and to withdraw any plot from auction without assigning any reason therefor.

(b) Subject as aforesaid, the highest bid received by the auctioning officer shall be communicated to the Committee, who may



either accept or refuse it, provided that in case of refusing the bid, reasons therefor shall have to be recorded.

9. *Who can bid.*—No bid will be accepted in the name of a firm or in any name other than that of an individual unless the names of all the persons making the bid are given without any specification of shares and the persons making the bid produce a power of attorney, showing that he is authorised to bid on their behalf. If the bid is to be made in the name of a Society or Company or an Association, the bidder must produce the necessary documents to show that the Association or the Company or the Society has been duly registered and that he has the authority to enter into an agreement of sale on its behalf.

10. *Adjournment of sale*—The officer conducting the sale may adjourn the sale on any day to a future date.

11. *Retracting a bid.*—No person shall at any auction retract his bid and if any dispute arises respecting a bid, the property shall again be put up for bids at the last undisputed bid.

12. *Revision of upset price.*—(a) When there is no bid over the upset price, or if the officer conducting the sale considers that the upset price needs revision, he shall adjourn the sale and report the matter to the Committee with his recommendation.

(b) The Committee may, upon receipt of a report as aforesaid, revise any upset price or decide that any plots shall be disposed of by allotment on the basis of fixed prices or in any other manner it considers fit.

13. *Deposit of 25%.*—At least 25% of the amount of bid accepted by the auctioning officer shall be paid on the spot at the fall of the hammer by the auction purchaser in cash or by means of a demand draft or a cheque payable to the Collector drawn on any Scheduled Bank situated at the headquarters of the Collector or in a place where a branch of the State Bank of India is functioning or any other place specified by the Collector. He shall also sign the form of officer given in Annexure II.

14. *Balance of price.*—The remaining price shall be paid within 30 days from the date of receipt of intimation of confirmation of sale by the Committee and if he fails to do so, the amount deposited under the preceding rule shall be forfeited to the Government,

15. *Sale by allotment.*—(1) In respect of the plots to be sold by allotment, the Committee shall fix the price of each plots available for allotment with due regard to the expenditure incurred or to be incurred on the development of each area so demarcated and reserved.

(2) The Committee shall also determine other terms and conditions on and subject to which such allotment shall be made:

Provided that in making allotments for residential purposes—

(a) preference shall be given to such persons of a particular category as own no house;

(b) not more than one plot shall ordinarily be allotted for residence to a person with a family consisting of five individuals including the allottee, living in commensality; and

(c) if a family consists of such eight or more than eight individuals and the plot proposed to be allotted appears to the Committee to be insufficient for their accommodation, the Committee may allot two adjacent plots for such family.

(3) The Secretary of the Committee, shall under orders of the Chairman of the Committee, issue a notification under his hand inviting applications for allotment.

(4) The notification shall set out in detail the plots available for allotment, the price fixed for each, the persons who may apply therefor, the other terms and conditions on and subject to which the allotment shall be made and the date by which applications therefor shall be submitted to the Secretary of the Committee. It shall be, as nearly as may be, in the form set out in Annexure I and shall be published in the manner laid down in rule 6.

(5) By the date specified in the notification every person who is entitled to the allotment of a plot or plots under these rules may submit to the Secretary of the Committee an application for allotment which shall, as nearly as may be, be in the form set out in Annexure II.

(6) All applications for allotment received by the Secretary of the Committee shall be caused to be entered, in the order in which they are so received, in a register to be kept for the purpose and shall be placed for orders before the Committee within a month of the date specified in the notification under sub-rule (4) as the last date for making such applications.

(7) The Committee shall consider, one by one, the applications for allotment in the order in which they are entered in the register, reject such of them as are inadmissible in accordance with this rule and make allotments in the same order:

Provided that the Committee shall have the sole power to determine priority in allotment and such determination shall be final and not liable to be questioned in any manner other than that provided in these rules.

(8) For the purpose of sub-rule (7), the Committee may appoint a sub-committee consisting such of its members and other persons as it may deem proper.

(9) Any person aggrieved by an order of allotment made by the sub-committee referred to in sub-rule (8) may appeal therefrom to the Chairman of the Committee within ten days of the communication of order of allotment.

(10) When a final order is passed for allotment of land the fixed price therefor shall be paid immediately by the allottee by cash or by a draft on any scheduled bank in the name of the Secretary of the Committee.

(11) Any plot allotted under this rule shall not be utilised for any purpose other than the purpose for which the allotment was made.

(12) Notwithstanding anything contained in this rule, no person shall be entitled as of right to allotment thereunder.

16 *Deed of grant.*—(a) The sale, whether by auction or by allotment, shall also be subject to the reservations in favour of the State Government which are set forth in the form of the deed of grant set out in Annexure III and the purchaser shall be bound by the conditions contained therein.

(b) On payment of the full price, a deed of grant in the said form shall be delivered to the vendee.

17. *Registration of deed.*—As soon as may be required by the Committee, the purchaser shall cause the deed of grant to be registered at his own expense.

18. *Delivery of possession.*—The possession of the plot shall be given to the purchaser after payment of full price and execution of the deed of conveyance.

19. *Purpose for which sold.*—The vendee shall not, save with the permission of the Committee, use the site for any purpose other than that for which it has been sold to him.

20. *Levelling.*—Neither the Government nor the Committee will be responsible for levelling an uneven site.

21. *Payment of taxes and cesses.*—The purchaser shall pay all general and local taxes and cesses for the time being assessed on the site by a competent authority.

22. *Restriction on transfer.*—(a) Until the full price of the plot has been paid, no transfer of any right, or title, or interest in it shall be permitted without the previous sanction of the Committee.

(b) If any plot is sold by the vendee, the transferee thereof shall be bound by the provisions of these rules, the other conditions of sale and the covenants contained in the deed of conveyance executed by the original purchaser.

23. *Fragmentation*—No fragmentation of any plot shall be made except with the previous permission in writing Committee.

24. *Plan of construction.*—The purchaser shall not erect any construction on the land sold under these rules otherwise than in accordance with the general or special plan approved by the Committee and the general regulations made by it in this behalf.

25. *Period of construction.*—The vendee shall complete the building within 3 years from the date of execution of the deed of conveyance in accordance with the conditions if any prescribed by

the State Government or the Committee in this behalf. This time limit may be extended for a period not exceeding 12 months by the Committee if it is satisfied that the failure to complete the building within the said period was due to reasons beyond the control of the vendee. Beyond that, sanction of the State Government shall be required on an application for extension of time. If the vendee either does not secure permission from the State Government or the Government does not agree to give extension, it will be open to the Government to take possession of the plot without payment of compensation.

26. *Prohibition of obnoxious industry.*—No obnoxious industry shall be carried on, in or on any plot or any building erected on a plot except with the previous permission in writing of the Collector.

27. *Forfeiture.*—In case of failure by a purchaser to observe or comply with any of the foregoing rules, his deposit or the whole or a part of the price may be forfeited to the State Government, who may have the property resold by public auction. Any deficiency of price which may result on such re-sale shall be made good and paid by the defaulting purchaser.

28. *Proceeds from sale of land.*—The proceeds from sale of land in mandis shall be credited to the Consolidated fund of the State and the budget provision made available by the Government shall be utilised by the Committee for development purposes.

29. *Appeal.*—Any person aggrieved by any order of the Committee under these rules, may within thirty days from the date of communication to him of such order, appeal to the State Government or any person authorized by the State Government whose decision thereon shall be final.

30. *Control.*—Notwithstanding anything in these rules, the State Government or any person or authority authorized by the State Government may issue such directions to the Committee as it considers fit and it shall be a duty of the Committee to carry out such directions.

31. *Saving.*—Nothing contained in these rules shall, at any time, in any manner, limit the powers of the Government to dispose of any land in any manner it deems fit.

32. *Printed copies of rules and deed of grant.*—Printed copies of these rules, and the form of deed of grant will be available for sale in the office of the Secretary of the Committee on payment of such price as may be fixed by the Committee.

## ANNEXURE I

(See rule 6)

Form of notice sale by public auction of land at Mandi.....in the  
Chambal Irrigation Project Area issued by the Mandi Committee.

## NOTICE

Notice is hereby given to the general public that the land.....  
.....being the property

of the State Government, shall be sold by public auction at..... subject to the conditions contained in the Rajasthan Colonisation (Sale of land in Mandis in the Chambal Irrigation Project Area) Rules, 1960.

The auction will be held by an officer appointed by the Committee and will commence at.....a.m /p.m. on.....

Plans showing full details of the land to be sold will be open for inspection on any working day from ..... at the office of the Secretary of the Mandi Committee wherefrom further information can also be obtained. The plans etc. can be obtained on such payment as is fixed by the Secretary of the Mandi Committee.

Dated.....

*Secretary of the Mandi Committee.*

## ANNEXURE II

*(See rule 13)*

### MEMORANDUM OF OFFER

*- Particulars of lots sold -*

I..... son of..... caste.... of..... village ..... Tehsil ..... District, Rajasthan, hereby acknowledge that I have this day made a bid for the purchase of the land described in the auction notice dated..... subject to the provisions of the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960 at the price of ..... Rupees and have paid to the Secretary of the Mandi Committee the sum of ..... Rupees by way of deposit in part payment and I hereby agree to complete the purchase in accordance with the said rules, if my bid is accepted by Mandi committee.

In witness I append my hand this ..... day of .....  
(Signature of purchaser)

Deposits paid.....Rs.

Balance ..... Rs.

## ANNEXURE III

*(See rule 16)*

### DEED OF GRANT OF LAND IN.....

THIS GRANT made the ..... day of ..... by the Governor of Rajasthan (hereinafter called "the Government") in favour of Shri..... son of shri ..... caste..... resident of..... in Rajasthan (hereinafter called "the grantee").

WHEREAS THE land hereinafter described is owned by the Government in full proprietary rights and has been sold to the grantee at a public auction/by allotment under the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960 and subject to the conditions contained therein, and in this grant and for the purpose of.....

AND WHEREAS the grantee has paid the sum of Rs.....  
.....being the price of the said land;

NOW THEREFORE in consideration of the covenants of the grantee hereinafter contained and of the said sum of Rs. .... paid by the grantee as hereinbefore mentioned (the receipt of which sum the Government hereby acknowledges) the Government as full owner hereby grants and conveys unto the grantee ALL THAT piece or parcel of land described in the schedule hereto attached and more particularly delineated in the plans filed in the office of the Secretary of the Mandi Committee (hereinafter called "the said land") TO HAVE AND TO HOLD the same up to and to the use of the grantee in full proprietary right subject nevertheless to the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960 and to exceptions, reservations, conditions and covenants hereinafter contained and each of them, that is to say:—

(1) The Government reserves to itself all mines and minerals whatsoever in, under, or upon the said land with all such rights and powers as may be necessary or expedient for the purpose of searching for, working, obtaining, removing and enjoying the same at all such times and in such manner as the Government shall think fit, with powers to carry out any surface, or underground working and to let down the surface of all or any part of the said land or any buildings that may be erected thereon now or hereafter, and to sink pits, erect buildings, construct lines and generally to appropriate and use the surface of the said land for the purpose of doing all such things as may be convenient or necessary for the full enjoyment of the exceptions and reservations hereinbefore contained:

PROVIDED THAT the grantee shall be entitled to receive from the Government such payment for the occupation by it of the surface and for the damage done to the surface or to buildings on the said land by such works or workings or letting down, as may be agreed upon between the Government and the grantee or failing such agreement as shall be ascertained by reference to arbitration.

(2) The grantee shall pay all general and local taxes, rates or cesses for the time being imposed or assessed on the said land by any competent authority.

(3) The grantee shall complete to the satisfaction of Mandi Committee construction on the said land of..... within three years of the delivery of possession, provided that the time under this clause may be extended by the Mandi Committee for a period of one year in case failure to complete the buildings by the stipulated date was due to reasons beyond the control of the grantee. If the Committee does not agree to give extension or the grantee fails to secure permission from the Government, it will be open to the Government or the Mandi Committee to re-enter and

to take possession of the plot without payment of any compensation to the grantee and thereupon this grant shall become void and of no effect.

(4) The grantee shall at all times keep and maintain the construction of any building or structure approved by the Mandi Committee as aforesaid (including the upper storey or storeys, if any), in a proper state of repair and to the satisfaction of the Mandi Committee.

(5) The grantee shall not use the said land or the constructions thereon for any purpose other than that for which the said land is hereby granted that is for any purpose other than that of.....  
.....or permit the same to be so used.

(6) The Government may be its officers and servants and at all reasonable times and in a reasonable manner, after notice in writing, enter in and upon any part of the said land or building erected thereon for the purpose of ascertaining that the grantee has duly performed and observed the covenants under these presents.

(7) The Government shall have full rights, power and authority at all time to do all acts and things which may be necessary and/or expedient for the purpose of enforcing compliance with all or any of the terms and conditions and to recover from the grantee as first charge upon the said land and the buildings thereon the cost of doing all or any such acts and things and all costs incurred in connection therewith or in anyway relating thereto.

(8) It shall be lawful for the Government to impose on the grantee, after due notice and after hearing him if he desires to be heard, a penalty which may extend to five hundred rupees for any breach or non-observance by the grantee of any of the rules or of the covenants herein contained and on his part to be performed and fulfilled and, in case any such breach or non-observance continues after the date on which such penalty is imposed, an additional penalty which may extend to twenty rupees for every day thereafter on which such breach or non-observance continues; and the amount of such penalty shall be recoverable as an arrear of land revenue.

(9) In the event of continued breach or non-observance by the grantee of any of the rules or of the covenants herein contained and on his part to be performed and fulfilled, it shall be lawful for the Government, notwithstanding anything contained in Clause 8 hereof and notwithstanding the waiver of any previous cause for such re-entry, to re-enter into and upon the said land and the buildings thereon or on any part thereof in the name of the whole, to repossess and retain the same and to enjoy or dispose of it in such manner as the Government may think fit, and the grantee shall not be entitled to a refund of the purchase money or any part thereof or to any compensation whatsoever on account of such re-entry, re-possession and retention or of such enjoyment or disposal.

(10) In the event of any dispute, or difference at any time arising between the Government and the grantee as to the true intent and meaning of these presents and of each and every provision thereof, the property and rights hereby reserved, or any of them, or in any manner incidental or relating thereto, the said dispute or difference shall be referred to the Secretary to the Government in the Local Self-Government Department whose decision thereon shall be final and binding on the parties hereto.

(11) If and so long as the grantee shall fully perform and comply with each and all of the terms and conditions herein made and provided but no otherwise, the Government will secure the grantee full and peaceful enjoyment of the rights and privileges herein and hereby conveyed and assured.

IN WITNESS WHEREOF the parties hereto have hereunto respectively subscribed the names in the manner, at the places and on the dates hereinafter in each case specified.

Signed for and on behalf of the  
Governor of the State of Rajasthan.

Signed by the grantee—

Designation:

Date.....

Witnesses—

(1)

(2)

By Order of the Governor,  
GOVERDHAN SINGH,  
Secretary to the Government.



*Notifications under*

**Colonisation (Sale of Land in Mandies in the Chambal  
Irrigation Project Area) Rules, 1960**

*Published in Raj. Raj-patra part I (b) dated May 18, 1961 at page 9 :*

Irrigation Department

**NOTIFICATION**

*Jaipur, September 26, 1962.*

No. F 7 (33)/Irg./62.—In pursuance of the provision of sub-rule (1) of rule 4 of the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960, and in supersession of this Department Notification No. F. 7 (67)/Irg /60, dated the 23rd August, 1960, the State Government hereby constitutes the Mandi Committee for Chambal Irrigation Project Area which shall consist of the following:—

1.	Collector/Kota/Bundi	....	....	....	Chairman
2.	Director of Colonisation, Chambal Project, Kota	....	....	....	Member
3.	Executive Engineer, Town Planning.	....	....	....	Member
4.	Executive Engineer (B.&R.).	....	....	....	Member
5.	Executive Engineer, Mandi Division, Kota.	....	....	....	Member Secretary.

By Order of the Governor,  
S. D. UJJWAL,

Additional Chief Secretary to the Government.

3. The following annual instalments are fixed for the payment of the aforesaid price per murbba or square of 25 bighas allotted after the publication of this notification.

Year	Classes of soil				
	Nali I	Nali II "	L. Loam	Sandy loam	Uncommanded
	1	2	3	4	5
1st	1,000	812-50	750	625-00	250
2nd	1,000	812-50	750	625-00	250
3rd	1,000	812-50	750	625-00	250
4th	1,000	812-50	750	625-00	250
5th	1,000	812-50	750	625-00	250
6th	1,500	1218-75	1125	937-50	250
7th	1,500	1218-75	1125	937-50	250
8th	1,500	1218-75	1125	937-50	250
9th	1,500	1218-75	1125	937-50	250
10th	1,500	1218-75	1125	937-50	250
11th	1,500	1218-75	1125	937-50	250
12th	1,500	1218-75	1125	937-50	250
13th	1,500	1218-75	1125	937-50	250
14th	1,550	1218-75	1125	937-50	250
15th	1,500	1218-75	1125	937-50	250
	20,000-00	16,250-00	15,000-00	12,500-50	3,750
	@	@	@	@	@
per bigha	800-00	650-00	600-90	500	150

## REVENUE COLONISATION DEPARTMENT

Jaipur, August 31, 1967.

Notification No. F. 22 (30) Rev/Col/65.—In exercise of the powers conferred by rule 7 of the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956, and in modification of Irrigation Department Notification No. F. 6 (36) Rev/11/54/Irg/I dated 4th July, 1960 (published in Rajasthan Rajpatra Part IV 'C' dated August 11, 1960 at pages 346 & 347), the State Government hereby refixes the scales at which the price of land allotted under the said rules shall be charged in the Gang Canal Project declared as colony under Revenue Department Notification No. F. 6(34) R/11/54 dated 3rd September, 1956 in pursuance of clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVI of 1954), as under:—

<i>Category of land.</i>	<i>Price per bigha in rupees.</i>
(a) Nehri Perennial	700/-
(b) Nehri Non-perennial	500/-
(c) Barani	250/-

Provided that within a radius of 2 miles from any Mandi area 25% above the reserve price shall be charged.

[Pub. in Raj. Gaz. Ex. 4 (Ga)-Dt. 21.9.67 Page 736]

## REVENUE COLONISATION DEPARTMENT

Jaipur, July 29, 1967

Notification No. F. 22 (30) Rev./Col/65.—In exercise of the powers conferred by rule 17 of the Rajasthan Colonisation (Bhakra Project Govt. Land Allotment and Sales) Rules, 1955, and in partial modification of Revenue Department Notification No. F. 6 (27) Rev. A/B/55, dated 16.4.56, the State Government hereby refixes the scales of prices and the instalments payable in respect of sale or allotment of different kinds of Government lands in different areas of the Bhakra Project as follows:—

1. The prices of Government land are refixed as under:—

Class of land	Price/bighas in rupees
Nali I ....	800/-
Nali II ....	650/-
N. Light loam ....	600/-
Sandy loam ....	500/-
Un-Commanded ....	150/-

For lands reserved for orchards and vegetable gardens 50% above the reserve price shall be charged and for lands within 2 miles' radius of respective Mandi areas, 25% above the reserve price shall be charged.

2- The allotment price and the reserve price shall be the same.

20 ] Rules and Notifications under Rajasthan Colonisation Act, 1954

Jaipur, January 24, 1963.

No. F. 2 (34)Irg./62.—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby orders that the provisions of the said Act shall apply to the Wagli Irrigation Project of the Chittorgarh District.

By Order,

RAJ KUMAR,

Secretary to the Government.

[Published in Raj. Raj-ptra Part IV (c) dated Feb. 7 at Page 900]

Jaipur, February 1963.

No. F. 7 (87) Irg./62.—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby orders that the provisions of the said Act shall apply forthwith to the area commanded by West Banas Project.

By Order of the Governor,

RAJ KUMAR,

Secretary to the Government.

Published in Raj. Raj-ptra Part I (b) dated Feb. 14, 1963 at page 205 :

Notification No. F. 15 (4) (1) Irg./61.—In exercise of the powers conferred by section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), the State Government hereby invests the Colonisation Commissioner, Bikaner, with all the powers of a Revenue Appellate Authority, for the purpose of trying and hearing all suits and appeals under the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), and arising in the Bhakra Colony area.

[Published in Rajasthan Gazette, Part IV (Ga) dated 30-4-1964]

Revenue Colonisation Department.

Jaipur, October 13, 1964

Corrigendum No. F. 7 (142) Irg. 61.—In exercise of the powers conferred by clause (iii) of section 2 of the Rajasthan Colonisation Act, 1954, (Rajasthan Act XXVII of 1954), the State Government hereby makes the following amendment to this Department Notification No. D. 3442/F. 22 (7) Rev./A/55, dated 29-3-55/9-1-55, namely :—

In the said Notification, for the words "Director of Colonisation", the words "Deputy Colonisation Commissioner" shall be substituted.

[Pub, in Raj. Gaz. 4 (Ga) Dt. 14.1.65. Page 749]

(vi) Such other persons as members, as the State Government may, by notification in the official Gazette, appoint in this behalf from time to time."

(2) in rule 14, the following proviso shall be inserted at the end, namely:—

"Provided that no such amount shall be forfeited to the Government if the Committee, on being satisfied that the failure to deposit the amount within the said period was due to reasons beyond the control of purchaser, condones the delay."

(3) in rule 25, for the expression "12 months by the Committee" the expression "three years by the Collector" shall be substituted;

(4) for rule 28 the following new rule shall be substituted, namely:—

"28. Proceeds from sale of land.—(1) Fifty per cent of the proceeds from sale of land for Mandies shall be credited to the Consolidated Funds of the State and the balance shall be deposited in the Mandies Development Fund, which will be utilised by the Committee for development purposes."

Provided fifty per cent of the Mandies Development Fund shall be reserved for the sewerage and drainage purposes in the Mandi Schemes which shall not be utilised for other purposes without the prior sanction of the Government

The Mandies Development Fund shall be operated by the Chairman of the Committee. Save as provided under sub-rule (1), the powers for financial administrative sanctions in respect of this fund shall vest in the Committee."

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 14-10-65—Page 316]

## Irrigation Department

### NOTIFICATION

Jaipur, November 5, 1962.

No. F 7 (182)/Irg./62.—In exercise of powers conferred by clause (b) of sub-rule (2) of rule 3 of the Rajasthan Colonisation (Bakra Project Government land allotment) Rules, 1955, the State Government hereby reserve one thousand bighas of unoccupied land for allotment to disabled ex-servicemen or dependents of those who are killed in action against Chinese in the Ladakh and N.E.F.A. Areas.

By Order,  
S. D. UJJWAL,

Additional Chief Secretary to Govt.

Published in Raj. Raj-patra Part IV (c) dated January 17, 1963 at P. 816 :

Revenue Colonisation Department

Jaipur, July 22, 1966.

Notification No. F. 7 (44) Irg/63.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendment to this Department Notification No. F. 7 (44) Irg./63/Col., dated the 6th July, 1965, published in the Rajasthan Gazette, Part IV (C); dated 2nd July, 1965.

AMENDMENT

Item 2 of the said Notification shall be substituted by the following—

"2. Condition No. 4 of clause II of the Annexure III appended to the Rules shall be substituted by the following, namely:—

"4. The lessee shall not transfer or part with except with the previous consent in writing of the lessor, by sale, gift or otherwise, his right, title or interest in the vacant plot. Provided that such permission will be granted by the Collector in the case of plots sold up to 22.7.1965."

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 11.8.66—Page 256]

REVENUE COLONISATION DEPARTMENT

Jaipur, September 14, 1965.

Notification No. F. 3 (63) Rev./Col./65.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. 27 of 1954), the State Government hereby makes the following amendments to the Rajasthan Colonisation (Sale of land in Mandies in the Chambal Irrigation Project Area).

Rules, 1960, namely:—

AMENDMENTS

In the said rules:—

(1) in rule 4, for sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The State Government shall, for the purposes of development of land in all the Mandies in the Chambal Irrigation Project Area, constitute a Mandi Committee which shall consist of the following:—

(i) Collector, Kota .... Chairman.

(ii) Collector, Bundi .... Member.

(iii) Deputy Town Planner, Kota .... "

(iv) Executive Engineer, Mandi Division,  
Kota .... "

(v) Secretary, Mandi Committee, Kota .... Member.  
Secretary

contained in or authorised to act for or to represent the Government of Rajasthan State in respect of such matter or thing.

- (b) the expression "Lessee" used in these presents shall include in addition to the said lessee his lawful heirs, successors, representatives, assignees, transferees, tenants and any person or persons in occupation of the said land or building erected thereon.

III. If the sum or sums payable towards the premium or the yearly assessment/rent hereby reserved or any part thereof shall at any time be in arrears and unpaid for one calendar month next after any of the days wherein the same shall have become due, whether the same shall have demanded or not, or if it is discovered that this lease has been obtained by suppression of any facts or by any mis-statement, mis-representation or fraud or if there shall have been in the opinion of the Lessor whose decision shall be final, any breach by the Lessee or by any person claiming through or under him of any of the covenants or conditions contained herein and on his part to be observed or performed, then and in any such case, it shall be lawful for the Lessor, notwithstanding the waiver of any previous cause of right of re-entry upon the residential plot hereby demised and the building thereon, to re-entry upon and take possession of the residential/commercial plot and the building and fixtures thereon, and thereon this lease and everything herein contained shall cease and determine and the Lessee shall not be entitled to any compensation whatsoever not to the return of any premium paid by him.

Provided that, notwithstanding anything contained herein to the contrary, the Lessor may without prejudice to his rights on re-entry as aforesaid and in his absolute discretion waive or condone, breaches, temporarily or otherwise, on receipt of such amount and on such terms and conditions as may be determined by him and may also accept the payment of the said sum or sums of the Urban Assessment/rent which shall be in arrear as aforesaid together with interest at the rate of six per cent per annum.

In witness Whereof the parties hereto have set their hands the day and year first above written.

The schedule above referred to :—

Bounded on the	....	....	Bounded on the.... ..
Bounded on the	....	....	Bounded on the .....
Bounded on the	....	....	Bounded on the.....

and shown in the annexed plan and market with its boundaries in red.

Signed for and on behalf of the Governor of the State of Rajasthan.  
Designation

Date ..

Witnesses 1. 2. 3. Signed by the Lessee

fere shall, within three months of the transfer, give notice of such transfer in writing to the Lessor.

In the event of the death of the Lessee the person on whom the title of the deceased devolves shall, within three months of the devolutions give notice of such devolution to the Lessor. If the Lessee and in the event of his death his successor, without sufficient cause fails or neglects to give such notice, he shall be liable to pay Rs. 100/- to the Lessor for such failure or neglect.

The transferee or the persons on whom the title devolves as the case may be, shall supply to the Lesser, certified copies of the documents evidencing the transfer of devolution.

7. The Lessee shall from time to time and at all times pay and discharge all rates, taxes, charges and assessment or every description which are now or may at any time hereafter during the continuance of this lease be assessed, charged or imposed upon the residential/commercial plot hereby demised or on any building to be erected thereupon or on the land lord or tenant in respect thereof.

8. All arrears of urban assessment/rent other payments due in respect of the residential/commercial plot hereby demised shall be recoverable in the same manner as arrears of land revenue.

9. The Lessee shall not without sanction in writing of the Mandi Committee erect any building or make any alteration or addition to such building on the residential/commercial plot.

10. The Lessee shall not without the written consent of the Lessor carry on, or Permit to be carried on, on the residential/commercial plot or in any building thereon any trade of business what-so-ever other than that of..... or do or suffer to be done therein any act or thing whatsoever which in the opinion, of the Lessor may be nuisance annoyance or disturbance to the Lessor and persons living in the neighbourhood :

Provided that, if the Lessee is desirous of using the said residential/commercial plot for the building thereon for a purpose other than that of ..... the Lessor may allow such change of user on such terms and conditions including payment of additional premium and additional urban assessment/rent as the Lessor may in his absolute discretion determine.

11. The Lessee shall on the determination of this lease peacefully yield up the said residential/commercial plot and the building thereon upto the Lessor.

And it is hereby agreed and declared that unless any different meaning shall appear from the context:—

(a) the expression "Lessor" used in these presents shall include in addition to the State Government, the successor and assignees of the said State Government, and in relation to any matter of thing



payments to be made on ..... subject always to the exception reservation, covenants and conditions here-in-after contained, that is to say as follows:—

I. The Lessor excepts and reserves upto himself all mines, minerals, coals, gold washing, earth oils and quarries in or under the residential commercial plot, and full right and power at all times to do all acts and things which may be necessary or expedient for the purposes of searching for, working, obtaining, removing and enjoying the same without providing or leaving any vertical support for the surface of the residential/commercial plot or any building for the time being standing thereon; provided always that the Lessor shall pay reasonable compensation to the Lessee for the damage directly occasioned by the exercise of the rights hereby reserved or any of them.

II. The Lessee for himself, his heirs, executors, administrators and assigns covenants with the Lessor as under:—

1. The Lessee shall pay upto the Lessor the yearly urban assessment rent hereby reserved on the days and in the manner here-in-before mentioned.

2. The Lessee shall not deviate in any manner from the layout plan nor alter the size of the residential/commercial plot whether sub-division, amalgamation or otherwise.

3. The Lessee shall within a period of three years from the..... day of the one thousand nine hundred..... (and the time so specified shall be of the essence of the contract) after obtaining sanction to the building plan, at his own expenses erect upon the residential/commercial plot and complete in a substantial and workmanlike manner a residential/commercial shop-cum residence combined building in accordance with the sanctioned building plan and obtain completion certificate from the Mandi Committee, Kota.

4. The Lessee shall not sell, transfer, assign or otherwise apart with the possession of the whole or any part of the residential/commercial plot except with the previous consent in writing of the Lessor :

Provided that such consent shall not be given for a period of three years from the commencement of the lease, unless in the opinion of the lessor, exceptional circumstances exist for the grant of such consent.:

Provided further that in the event of consent being given the Lessor may impose such terms and conditions as he thinks fit.

5. Where the title of the Lessee in the residential/commercial plot is transferred in any manner whatsoever the transferee shall be bound by all covenants and conditions contained herein and be answerable in all respects therefor.

6. Whenever the title of the Lessee in the residential/commercial plot is transferred in any manner whatsoever the transferor and the trans-

Government hereby makes the following amendments to the Rajasthan Colonisation (sale of land in Mandies in the Chambal Irrigation Project Area) Rules, 1960, namely:—

### AMENDMENT

Annexure III appended to the said rules, shall be substituted by the following, namely:—

### ANNEXURE III

(See Rule 16)

For a Residential/Commercial site No.....  
.....in .....  
Scheme at.....

*This Identure* made this.....  
day of.....One thousand nine and....

*Between the Governor of the State of Rajasthan (Hereinafter Called the Lessor)* of the one part and Shri.....  
..... Son of Shri..... Caste.....  
resident of.....in Rajasthan (herein after called "the lessee") of the second part.

*Whereas* the Lessor has agreed to demise a residential/Commercial plot of land, described in the schedule attached to this deed to the Lessee in the manner here-in-after appearing.

*Now This Identure Witnesseth* that in consideration of the amount of Rs ..... Rupees ..... only paid towards premium before the execution of these presents (the receipt whereof the Lessor hereby acknowledges) and of the Urban Assessment rent hereafter reserved and of the covenants on the part of the Lessee here-in-after contained, the Lessor doth hereby demise up to the Lessee all that plot of land being the residential/commercial plot No..... in the layout of ..... scheme containing by a measurement an area of..... of thereabout situate at ..... which residential/commercial plot is more particularly described in the schedule hereinafter written and boundaries thereof for greater clearness has been delineated on the plan annexed to these presents (hereinafter referred to as "the Residential/Commercial Plot") together with all rights, easements and appurtenances whatsoever to the said residential/commercial plot belonging or appertaining to hold the premises hereby demised into the Lessee for the period of ninety nine years from..... day of..... one thousand nine hundred and..... yielding and paying therefore yearly urban assessment/rent payable in advance Rs....., or such other urban assessment as may hereafter be assessed under the Rajasthan Colonisation (sale of land in Mandies in the Chambal Irrigation Project Area) Rules, 1960 as amended and the covenants and conditions hereinafter contained clear of all deductions by yearly payments at the office of the Mandi Committee, Kota/Bundi or at such other place as may be notified by the Lessor for the purpose, the first such

REVENUE COLONISATION DEPARTMENT

*Jaipur, March 24, 1965*

Notification No. F 4 (2) Rev./Col./65.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954, (Rajasthan Act 27 of 1954, and all other powers enabling it in this behalf, the State Government hereby makes the following amendment to the Rajasthan Colonisation (Sale of land in Mandis in the Chambal Irrigation Project Area) Rules, 1960, namely:—

AMENDMENT

In clause (c) of rule 3 of the said rules, between the words “any area commended” and “by the Chambal Irrigation Project” the words “of benefitted” shall be inserted.

[Pub. in Raj. Gaz. 4(Ga)Dt. 6-5-65 Page 104]

REVENUE COLONISATION DEPARTMENT

*Jaipur July 6, 1965.*

Notification No. F. 7 (44) Irg./68/Col.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendment to the Rajasthan Colonisation (Sale of land in Mandies in the Chambal Irrigation Project Area) Rules, 1960, namely:—

AMENDMENT

In the said rules;

1. For rule 22, the following shall be substituted, namely:—

“22. Restriction on transfer. —(a) The lessee shall not transfer or partwith, except with the previous consent in writing of the lessor, by sale, gift or otherwise, his right, title or interest in the vacant plot.

(b) In case of transfer of lease the transferee thereof shall be bound by the provisions of these rules, the other conditions of sale and the covenants contained in the lease executed by the original lessee.”

2. Condition No. 4 of clause II of the Annexure III, appended to the rules shall be substituted by the following namely:—

“4. The lessee shall not transfer or partwith, except with the previous consent in writing of the lessor, by sale, gift or otherwise, his right, title, or interest in the vacant plot.”

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 22-7-65-Page 240 (64)]

REVENUE COLONISATION DEPARTMENT

*Jaipur, May 18, 1965*

Notification No. F. 7 (44) Irg./63/Col.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and all other powers enabling it in this behalf the State

- (ii) The urban assessment once fixed shall be liable to revision after every 15 years but the increase shall not exceed twentyfive per cent of the urban assessment at the time of such revision.
- (iii) The urban assessment shall be credited to the Consolidated Fund of the State,
- (iv) Full urban assessment shall be chargeable on the plot after the third year before which the construction of a house shall be completed. For the first three years, half the urban assessment only shall be chargeable."

3. After sub-rule (i) of rule 15, the following sub-rule shall be substituted, namely:—

"(1A) (a) Notwithstanding anything contained in sub-rule (i) above, the sale (of leasehold rights in land) by allotment may be made to the categories of persons specified in clause (ii) of sub-rule (1) of rule 5, at the concessional fixed price specified in clause (b);

(b) The concessional fixed price shall—

- (i) in case of members of the scheduled castes and scheduled tribes and persons in the low income group, be Rs. 4/- per sq. yard where underground sewage is provided and Rs. 3/- per sq. yard where no such underground sewage is provided.
- (ii) in case of persons in the middle income group, be 25% higher than the price under sub-clause (i) above."

4. in Annexure I appended to these rules—

- (a) between the words "Public that the" and "land" the words "leasehold rights" shall be inserted.
- (b) for the word "being" occurring before the word "the property" the words "which land is", shall be substituted.

(Rajasthan Gazette—Part IV (Ga)—dated 5.12.63—Pages 573 and 576)

## REVENUE COLONISATION DEPARTMENT

Jaipur, September 14, 1964

Corrigendum No. F. 7 (201) Irg.631:—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendment to the Rajasthan Colonisation (State of Land in Mandies in the Chambal Irrigation Project Area) Rules, 1960, namely:—

## AMENDMENT

In the said rules, in rule 16 in clause (b) the following proviso shall be inserted at the end namely:—

"Provided that the stamp duty chargeable on such deed shall be paid by the purchaser."

(Pub. in Raj. Gaz. 4 (Ga)—Dt. 14-1-65. Page 748)

Notification No- F. 7 (44) Irg./63.—In exercise of powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. 27 of 1954) and all other powers enabling it in this behalf, the State Government hereby makes the following amendments in the Rajasthan Colonisation (Sale of land in Mandies in the Chambal Irrigation Project Area) Rules, 1960, namely :—

### AMENDMENTS

In the said rules,—

1. in rule 3, after clause (d); the following clause shall be added namely :—

“(e)” sale shall be deemed to mean “transfer of lease-hold rights” and the word “sell” and “sold” shall mean accordingly.

2. in rule 5 (i) in sub-clause (ii) of sub-rule (1) the semicolon at the end shall be omitted and the following shall be added, namely :

“and of middle income group citizens whose income exceed Rs. 250/- per month but does not exceed Rs. 400/- per month.

(ii) in sub-rules (3), (4) and (5), for the word “plot” the word “lease-hold rights in the plot” shall be substituted.

(iii) after the existing sub-rule (5), the following sub-rules shall be added, namely :—

(6) (a) That every sale (of lease-hold rights) by public auction or allotment shall be subject to a further liability to pay the annual urban assessment or rent;

(b) that such a sale (of lease-hold rights) shall be for a period of 99 years both in cases of residential plots as well as commercial and industrial plots.”

(7) Premium.—That the sale of lease-hold rights in land may be made both by allotment at a fixed price and by public auction. The premium (nazrana) shall be determined by public auction but the amount of the reserved price or the minimum premium shall be worked out after adding the following items, namely :—

(i) cost of lease-hold rights in undeveloped land;

(ii) cost of development;

(iii) 20% of the item No. (ii) to cover the administrative charges ;

Provided that the reserve price shall not be less than Rs. 5/- per sq. yard where underground sewage is provided and Rs. 3.75 per sq. yard where no such underground sewage is provided.

(8) Urban assessment.—(1) Urban assessment for lands (whose lease-hold rights have been sold for residential, commercial or industrial purposes) shall be fixed on the basis of the reserve price in fixed price, as the case may be, at 21 1/2% in case of residential plots of lands and 5% in case of lands given on lease for commercial or industrial purposes.

more in order to make up one full square if they have applied for further allotment : provided that such allotment of an additional half square shall be made after all pending applications are disposed of and subject to the condition that after the allotment of the additional half square the total area of land with the allottee shall not exceed 15.6 acres and that the price to be charged from him shall be equal to the prevailing market price”.

4. To sub-rule (1) of rule 3, the following proviso shall be added, namely :—

“Provided that in the case of persons whose applications for permanent allotment of land has been rejected on account of there being a gap of one year in temporary cultivation since 1947, a break of two years in continuous possession and cultivation from 1947 to 1962 may be condoned by the Collector so as to make them eligible for allotment of land; and in the case of persons whose applications have been rejected on account of there being a gap of one year in temporary cultivation after 1952, one year's break in continuous possession and cultivation from 1952 to 1962 may be similarly condoned”.

5. For the existing sub-rules (2) and (3) of rule 3, the following sub-rule shall be substituted, namely :—

“(2) Notwithstanding anything contained in rule 4; small patches of land not exceeding seven killas may be sold to a person holding land in the same square if the person is prepared to pay the present prevailing market price in one instalment :

Provided that the total land already in his possession plus the small patch shall not make his total holding in excess of 50 bighas :

Provided further that if there are more than one person holding land in the same square who want the small patch, it shall be put to auction and given to the highest bidder amongst the persons holding the land in the same square.

6. In explanation to sub rule (1) of rule 4, for the second para, the following shall be substituted, namely:—

“(Where land has not been shown in the land records as divided prior to the year 1952 the family shall not be treated as divided, nor shall any allotment be made on the ground that the share of one person comes to less than one square”.

7. After rule 8, the following new rule shall be inserted, namely:—

“8A. Disposal of Government land by auction.—If after allotment of the land to the persons who applied for allotment on or before the 28th February, 1959, and who are eligible for allotment on a permanent basis, any land remains undisposed of, it be sold by public auction; and the provisions of part B of the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955 shall mutatis mutandis, apply to such sale by auction”.

dated the 23rd June, 1960, in Part IV-C of the Rajasthan Gazette, dated the 28th July, 1960],

(i) for rule 13, the following shall be substituted, namely:—

“13. A sum equal to twenty-five per cent of the purchase price shall have to be deposited in cash on the date the bid is closed; fifteen per cent of the purchase price shall be paid within one month of such date and the remaining sixty per cent, in two equal yearly instalments, that is to say, thirty per cent of the purchase price one year after such date and the remaining thirty per cent. at the close of the second year. The amount payable in instalments shall bear interest at six per cent per annum and the interest shall be payable alongwith the instalments of the purchase price :

Provided that the concession of payment in instalments with interest as above may also be extended to all sales by auction effected after the 21st of October, 1961.”;

(ii) rule 14 shall be omitted

[Pub. in Raj. Gaz. 4 (Ga)—Dt 6-4-67 Page 13]

Notification No. F. 6 (37) Rev. B/Gr 1/62.—In exercise of the powers conferred by section 28, read with section 7, of the Rajasthan Colonisation Act, 1954, Rajasthan Act 27 of 1954, the State Government hereby makes the following further amendments to the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956, as originally published under this Department Notification No. F. 6 (34) Rev. II/56, dated the 3rd January, 1957, in part IV-C of the Rajasthan Gazette, dated the 21st February, 1957, namely :—

## AMENDMENTS

In the said rules;—

In the title of the rules and in sub-rule (1) of rule 1, after the word “Allotment” appearing within the brackets the words “and Sale” shall be inserted.

2. After clause (vii) of sub-rule (i) of rule 3 the following new clause shall be inserted, namely :—

“(vii-A) Temporary cultivators who were allotted land for the first time in 1953 for temporary cultivation, on the basis of three years’ girdāwari such allotment and temporary cultivation having been continued in subsequent years upto the year 1962 and who cultivate, or can reasonably be expected to cultivate, the land personally, subject to the condition that land is available”.

3. In sub-rule (1) of rule 3 after the existing clause (VIII) the following new clause shall be added namely :—

“(ix) The tenants, including displaced persons, who were allotted half square of land in 1952 in pursuance of Notification No. F. 3 (375) Rev. II/51, dated the 25th August, 1951, may be given half square of land

REVENUE COLONISATION DEPARTMENT

*Jaipur, September 23, 1966*

Notification No. F. 22 (26) Rev./Col./65.—In exercise of the powers conferred by section 23 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments in the rules mentioned below, namely:—

1. in the Rajasthan Colonisation (Bhakra project Government Lands Allotment and Sale) Rules, 1955 as originally published under Revenue Department's notification No. F. 6 (79) Rev. B/54, dated the 15th December, 1955, in part IV-C of the Rajasthan Gazette, dated the 24 idem] in rule 22, for clause (h) the following shall be substituted, namely:—

“(h) A sum equal to twenty-five per cent of the purchase price shall have to be deposited in cash on the date the bid is closed; fifteen per cent of the purchase price shall be paid within one month of such date and the remaining sixty per cent in two equal yearly instalments, that is to say, thirty per cent, of the purchase price one year after such date and the remaining thirty per cent at the close of the second year. The amount payable in instalments shall bear interest at six per cent. per annum and the interest shall be payable alongwith the instalment of the purchase price:

Provided that the concession of payment in instalments with interest as above may also be extended to all sales by auction effected after the 21st of October, 1961.”

2. in the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957 [as originally published under Revenue (B) Department notification No. F. 6 (465) Rev. (A) B/57, dated the 13th November, 1957, in the Rajasthan Gazette, Part IV-C, dated the 5th December, 1957] in rule 21, for clause (h), the following shall be substituted, namely:—

“(h) A sum equal to twenty-five per cent. of the purchase price shall have to be deposited in cash on the date the bid is closed; fifteen per cent. of the purchase price shall be paid within one month of such date and the remaining sixty per cent. in two equal yearly instalments, that is to say, thirty per cent, of the purchase price one year after such date and the remaining thirty per cent at the close of the second year. The amount payable in instalments shall bear interest at six per cent. per annum and the interest shall be payable alongwith the instalment of the purchase price:

Provided that the concession of payment in instalments with interest as above may also be extended to all sales by auction effected after the 21st of October, 1961.”

3. in the Rajasthan Colonisation (Sale of Land in Mandis in the Chambal Irrigation Project Area) Rules, 1960 [as originally published under Irrigation and Colonisation Department's notification No. F. 7 (67) Irg./60,



Government hereby makes the following amendments to the Rajasthan Colonisation (Temporary cultivation leases Conditions, 1955, namely:—

#### AMENDMENT

In the said conditions, in clause (d) of condition No. 4, after the words 'or other Government purposes' the following words shall be added, namely:—

"but shall not include unoccupied lands, reserved for industries, abadies and other purposes in the Bhakra Colony."

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 11-3-65—Page 806 (51)]

#### REVENUE COLONISATION DEPARTMENT

*Jaipur, November 11, 1965.*

Notification No. F. 7 (11) Irg./63.—In exercise of the powers conferred by section 28 read with sub-sections (1) and (2) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendment to the Rajasthan Colonisation (Temporary Cultivation Leases) Conditions, 1955, namely:—

#### AMENDMENTS

In the said Conditions, in condition 8, in sub-condition (2), for the expression "for a further term of three years provided the tenant continues to be eligible under condition No. 7", the expression "for a further period not exceeding three years, provided the tenant continues to be eligible under the other conditions and has cultivated the land and deposited in full the Government dues in respect thereof" shall be substituted.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 20-1-66—Page 515]

#### REVENUE COLONISATION DEPARTMENT

*Jaipur, July 15, 1966*

Notification No. F. 22 (69) Rev./Col./65.—In exercise of the powers conferred by section 28 read with sub-sections (1) and (2) of section 7, of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following further amendments to the Rajasthan Colonisation (Temporary Cultivation leases) Conditions, 1955, namely:—

#### AMENDMENTS

In the said Conditions, in condition 6, sub-condition (3), after the existing proviso, the following further proviso shall be inserted, namely:—

"Provided further that no surcharge under the Rajasthan Land Revenue (Surcharge) Act, 1960, (Rajasthan Act 16 of 1960), shall be payable by a person to whom land is leased out by public auction under this clause."

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 25-8-66—Page 277]

Government Land Allotment and Sale) Rules, 1957 and in partial modification of all Notifications issued in this connection, the State Government hereby revises the scale of prices of agricultural land under the Chambal Command as specified below:—

Category		Price Per Bigha
Irrigated lands	Mal I	Rs. 250/-
	Mal II and III	Rs. 170/-
	Mal IV	Rs. 100/-
Unirrigated lands	Mal I	Rs. 90/-
	Mal II and III	Rs. 70/-
	Mal IV	Rs. 35/-

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dated 15-3-65]

#### REVENUE COLONISATION DEPARTMENT

*Jaipur, July 8, 1966.*

Notification No. F. 7: (1) Irg./61.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendment to the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957, (as originally published under Revenue (B) Department's Notification No. F. 6 (465) Rev. (A)/B/57, dated the 13th November, 1957, in Part IV-C of the Rajasthan Gazette, dated the 5th December, 1957) namely:—

#### AMENDMENT

In the said rules—

In rule 19, for the existing sub-rule (2), the following shall be substituted, namely:—

“(2) The notice shall be signed and sealed by the allotting authority, and shall be affixed on the notice board of his office, and copies of the notice shall be affixed on the notice board of the Tehsil and on the notice board of the village Panchayat, if any. The contents of the notice shall be made widely known in the locality in which the land proposed to be sold is situated, by any two or more of these modes viz., (i) by affixing copies thereof at some convenient place on or near about such land and in other conspicuous public places in the locality. or, (ii) by publishing the same by beat of drum, or (iii) by advertisement in newspaper having wide circulation in the locality.

[Pub. in Raj. Gaz. 4 (Ca)—Dt. 22-9-56—Page 320]

#### REVENUE COLONISATION DEPARTMENT

*Jaipur, December 21, 1964.*

Notification No. F. 4 (4) Rev./Col./64.—In exercise of the powers conferred by section 28 read with sub-section (1) and (2) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State

## AMENDMENTS

In the said rules;

1. "Clause (iii) of rule 2, shall be substituted by the following, namely:—

"(iii) Colony Tehsildar" means an Officer appointed as Tehsildar in the Colonisation Department or Revenue Tehsildar where colonisation work is not operated."

2. Clause (iii) (a) of rule 2, shall be substituted by the following, namely:—

"Colony Naib-Tehsildar" means an officer appointed as Naib-Tehsildar in the Colonisation Department or Revenue Naib-Tehsildar where colonisation work is not operated."

(Pub. in Raj. Gaz. 4 (Ga)—Dt. 11-11-65 Page 376]

## REVENUE COLONISATION DEPARTMENT

*Jaipur, December 17, 1965.*

Notification No. F. 4 (3) Rev./Col./65.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), the State Government hereby makes the following amendments to the Rajasthan Colonisation (Medium and Minor Irrigation Projects Government Lands Allotment and Sale) Rules, 1957, as originally published under Revenue Department's Notification No. F. 6 (348) Rev. A/56, Part II, dated the 29th October, 1957 in Part IV-C of Rajasthan Gazette dated the 28th November, 1957, namely:—

## AMENDMENTS

In the said rules:—

(1) In clause (vi) of rule 2, after the expression "joint family", the expression "or holds an area not exceeding one acre" shall be inserted.

(2) In rule 10:—

(i) in clause (i) for the expression "10 acres" the expression "not exceeding ten acres" shall be substituted;

(ii) in clause (ii) for the expression "subject to a maximum of 25 acres" the expression "subject to a maximum of twenty acres" shall be substituted.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 17.2.66 Page 551]

## REVENUE COLONISATION DEPARTMENT

*Jaipur, March 15, 1965.*

Notification No. F. 3 (145) Rev./Col./65.—In exercise of the powers conferred by rule 16 of the Rajasthan Colonisation (Chambal Project

### AMENDMENTS

1. For clause (f) of rule 22 of the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955 as originally published under Revenue Department's Notification No. F. 6 (77)/Rev./B/54, dated the 15th December, 1955, in Part IV-C of the Rajasthan Gazette dated the 24th idem, the following shall be substituted, namely:—

[ (f) The highest acceptable offer shall be communicated to the Colonisation Commissioner, Rajasthan Canal Project, and the sale shall not be complete unless the offer is accepted by him:—

Provided that the Colonisation Commissioner shall not, without the approval of the State Government, accept an offer which is less than ten per cent over the reserved price. ]

2. In clause (f) of rule 21 of the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sales) Rules, 1957, as originally published under the Revenue Department's Notification No. F. 6 (465) Rev. (A) B/57, dated the 13th November, 1957 in Part IV-C of the Rajasthan Gazette, dated the 5th December, 1957, the following shall be substituted, namely:—

“(b) [ The highest offer shall be communicated to the Collector and the sale shall not be complete unless the offer is accepted by the Collector:—

Provided that the Collector shall not, without the approval of the State Government, accept an offer which is less than ten per cent over the reserved price.]

3. In rule 13 of the Rajasthan Colonisation (Medium & Minor Irrigation Projects Government Lands Allotment) Rules, 1957, as originally published under the Revenue Department's Notification No. F. 6 (348)/Rev./A/56-Part II, dated the 29th October, 1957, in Part IV-C of the Rajasthan Gazette dated the 28th November, 1957, for the words brackets and figures “Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955” the words brackets and figures “Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957” shall be substituted.

By Order of the Governor,  
S. D. UJWAL,  
Secretary to Government.

### REVENUE 'COLONISATION' DEPARTMENT

Notification No. F. 10 (7) Rev. B/Gr. I/64.—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act, 27 of 1954), the State Government hereby makes the following amendments to the Rajasthan Colonisation (Bhakra Project Government Lands Allotment and Sale) Rules, 1955, namely:—

S. No.	Name of the persons	illed, disabled or reported missing.	Regimental number	Unit	Name of the claimant with relation.
1	2	3	4	5	6
<hr/>					
Particulars of existing holding whether jointly or severely.		Recommendations of the D.S.S. & A's Boards		Remarks of Collector	
7		8		9	

## REVENUE COLONISATION DEPARTMENT

Jaipur, September 9, 1966

**Notification No. F. 7 (183) Irg/62.**—In exercise of the powers conferred by section 28, read with section 7, of the Rajasthan Colonisation Act, 1963 (Rajasthan Act 27 of 1954), the State Government hereby makes the following rules further to amend the Rajasthan Special Assistance to Disabled Ex-servicemen and Dependents of Deceased Defence Personnel (Allotment of Lands) Rules, 1963, namely:—

**1. Short title and commencement.**—(1) These rules may be called the Rajasthan Special Assistance to Disabled Ex-servicemen and Dependents of Deceased Defence Personnel (Allotment of Land) Amendment Rules, 1966.

(2) These rules shall come into force on the date of their publication in the official Gazette.

**2. Amendment in rule 7.**—In the Rajasthan Special Assistance to Disabled Ex-Servicemen and Dependents of Deceased Defence Personnel (Allotment of Lands) Rules, 1963, after the sub-rule (3) of rule 7, the following sub-rule shall be inserted, namely:—

“(4) In case the allottee fails to take possession of the land allotted to him within six months from the date of allotment, the allotment shall be deemed to have been cancelled and the land shall thereupon be available for re-allotment to any other person under these rules.”

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 16-2-67—Page 568]

Irrigation Department

NOTIFICATIONS

Jaipur, August 10, 1962.

**No. F. 7 (24)/Irg./61.**—In exercise of the powers conferred by section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the State Government hereby makes the following further amendments to the rules mentioned below, namely:—

undertake to maintain other members of the family of the deceased shall be entitled for allotment under these rules :

Provided that persons already in possession of land in excess of the ceiling area as defined in clause (64) of section 5 of the Rajasthan Tenancy Act, (Rajasthan Act No. 3 of 1955), shall not be entitled for allotment of any land under these rules :

Providing further that persons having less than the ceiling area may be allotted land up to the ceiling area.

6. Extent of allotment.—Subject to the provisions contained in the provisions to rule 5, the scale of allotment under these rules shall be as under —

---

(I) Officers of and above the rank of second lieutenant	Fifty bighas of irrigated or one hundred bighas of unirrigated land.
(II) Junior Commissioned Officers, including Naiks, and other ranks.	Twenty-five bighas of irrigated or fifty bighas of unirrigated land.

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*Explanation.*—one bigha shall be taken as being equal to five eighths of an acre.

7. Terms and Conditions of allotment.—(1) No Nazrana or purchase price shall be charged from any person to whom land is allotted under these rules, but the allottee shall have to pay betterment charges, recovery whereof shall commence three years after irrigation starts.

(2) The tenure shall be governed by the provisions of condition No. 9 of the General Colony Conditions referred to in rule 4.

(3) The allottee shall have to pay land revenue, and other charges, as laid down in Condition No. 14 of the General Colony Conditions.

8. Procedure for allotment.—An application for allotment under these rules shall be made on the *pro forma* appended to these rules through the Officer Commanding of the Unit in which the disabled ex-servicemen or the deceased defence personnel served in Ladhak or the North East Frontier Agency or in any military operations anywhere else to which the provisions of these rules may, by notification in the official gazette be extended.

Provided that in the case of the dependants of a deceased defence personnel, the application may be made through the Secretary of the District Soldiers Board concerned.

9. Allotting authority.—For lands reserved in the Rajasthan Canal Project Area and the Bhakra Project Area, the Colonisation Commissioner Rajasthan and for lands reserved in the Chambal project area, the collectors shall be the authority competent to allot lands under these rules, after such summary enquiry, if any, as may be necessary.

10. Sub-letting.—Notwithstanding anything contained in the General Colony Conditions, the restrictions on sub-letting the land as laid down in section 45 of the Rajasthan Tenancy Act shall not apply for 10 years in the case of allottees under these rules.

# Rajasthan Special Assistance to Disabled Ex-Servicemen and Dependants of Deceased defence Personnel (Allotment of Lands) Rules, 1963.

Notification No. F. 7 (183)/Irg./62.—In exercise of the powers conferred by section 28, read with section 7 of the Rajasthan Colonisation Act, 1963 (Rajasthan Act No. XXVII of 1954), the State Government hereby makes the following rules for the grant of lands already reserved, or to be reserved, for allotment to disabled ex-servicemen and dependants of deceased defence personnel, namely:—

1. Short title and commencement.—(1) These rules may be called the Rajasthan Special Assistance to Disabled Ex-Servicemen and Dependants of Deceased Defence Personnel (Allotment of Lands) Rules, 1963.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "disabled ex-servicemen" means a person who has suffered the loss of a limb or has been permanently disabled in hostilities in Ladhak or the North East Frontier Agency or in any military operations anywhere else to which the provisions of these rules may by notification in the official gazette be extended, rendering him unfit for further service in the defence services,

(b) "dependants of deceased defence personnel" includes widow, son, unmarried daughter and parents of member of the defence forces who died as a result of hostilities in Ladhak or the North East Frontier Agency or in any military operations anywhere else to which the provisions of these rules may by notification in the official gazette.

3. Applications of rules.—These rules shall apply only to the Government lands falling within the Bhakra, Chambal or Rajasthan Canal Project Colonies and already reserved or to be reserved, by notification in the official gazette for allotment to the disabled ex-servicemen and dependants of deceased defence personnel.

4. Applicability of General Colony Conditions.—The Rajasthan Colonisation General Colony) Conditions, 1955, issued under sub-section (2) of section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), hereafter in these rules referred to as 'the General Colony Conditions') shall, *mutatis mutandis* apply to all allotments of land made under these rules.

5. Persons eligible for allotment.—A disabled ex-servicemen or such dependants of any deceased defence personnel settled in Rajasthan as may

Irrigation Department Notification published in Rajasthan Gazette part 4 (Ga.) dated 10-2-64, pages 671 (61) to 671 (64).

allotment of the land.....particulars hereof are given below.....to Shri..... S/o Shri ..... resident of..... village, for the establishment of a pajawa /kajawa, on the terms and conditions mentioned below:—

1. Particulars of land:—

- (i) Name of mandi, village or chak abadi, with name of tehsil.
- (ii) Chak No./Murabba No./Kila No. or Khasra No.
- (iii) Soil Class.
- (iv) Area.

2. Rent payable.....@ Rs. 10/- per plot per annum.

3. Period .. .....years.

With effect from.... (date)

4. The allottee shall deposit the rent for one year in advance in tehsil.... within three days of this order and in future rent as mentioned above shall be paid every year on..... (date).

5. If the rent for any year is not paid on the date mentioned, it shall be realised as an arrear of rent and this allotment order may be cancelled and thereafter proceedings under section 22 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1964), may be started.

6. The allottee shall use the land for the purpose for which it is allotted, viz., the setting up of a Pajawa/Kajawa, land for no other purpose; and if he uses the land for any other purpose or fails to pay the stipulated rent, the allotment shall be cancelled and the land resumed.

7. The allottee shall be deemed to have understood the provisions of the Conditions and to have agreed to abide by the terms and conditions of this order.

Sd/Collector of .....district Copy to Shri .....S/o Shri..... (allottee).

Copy to Tehsildar .....for necessary action. He should realise the rent as above and see that the terms and conditions are enforced.

Sd/. Collector.

Date.....

Place .....



(vi) **Arbitration.**—If any question, difference of opinion or objection whatsoever shall arise in any way connected with, or arising out of this Instrument, or the meaning or operation of any part thereof, or the rights, duties or liabilities of either party, then, save in so far as the decision of any such matter is hereinbefore provided for and has been so decided, every such matter, including whether its decision has been otherwise provided for and/or it has been finally decided accordingly, or whether the lease should be terminated or has been rightly terminated, and as regards the rights and obligations of the parties as the results of such termination shall be referred for arbitration to the Board of Revenue for Rajasthan and its decision shall be final and binding, and where the matter involves a claim, for, or the payment or recovery or deduction of money, only the amount, if any, awarded in such arbitration shall be recoverable in respect of the matter so referred.

(vii) **Interpretations.**—In this lease, unless the context otherwise requires,—

- (a) "the Collector" means the Collector of the district for the time being and includes any other person duly authorised by general or special order to act on behalf of Government in this behalf ;
- (b) "the land" means the land hereby demised;
- (c) "the lessee" includes the heirs, legal representatives permitted assigns of the lessee and if the lessees are co sharers, any liability imposed by this deed shall be the joint and several liability of each co-sharer.

IN WITNESS WHEREOF the parties have hereto set their hands on the dates hereinafter in each case specified.

Signed by the lessee

Signed for and on behalf of the  
Governor of Rajasthan.

Date.....

Date.....

Designation.....

Witness (1)

Witness (1)

(2)

(2)

### ANNEXURE III

(See Condition No. 18)

#### Form of Order

Lease of Government land for pajawas/kajawas under the Rajasthan

Colonisation Project Areas Brick Kiln (Lease)

Conditions, 1966.

In pursuance of the provisions of Part 'B' of the Rajasthan colonisation Project Areas Brick Kiln (Leases) Conditions, 1966, I .....  
Collector of..... District, hereby accord sanction to the

the date of such payment and the cost incurred in the removal of structures, whereupon such buildings and material etc. shall absolutely vest in the Government, and

(i) the lessee paying the rent, and other charges here by reserved and performing all the covenants by the lessee herein contained, may hold and enjoy the demised premises during the said term without any unlawful interruption by the Government or any other person whosoever.

5. Power of re-entry—Provided always and it is hereby agreed as follows :—

(i) that whenever any part of the rent hereby reserved shall be in arrear for the two months after due date or there shall be a breach of any of the covenants by the lessee herein contained, Government may re-enter on the demised premises and determine this lease.

(ii). Government may, at any time, determine this demise by giving three months notice to the lessee, which notice may either be given to the lessee in writing or may be posted on the land, at the option of the Collector:

(iii) After the expiry of at least six months from the commencement of this lease the lessee may, by giving three months notice to the Collector determine this demise, with effect from the expiry of the said period of three months:

Provided that if the demise be determined in the manner above stated, the lessee shall not be liable for any rent calculated at the yearly rate specified in clause (1) (c) (a) above for any period after the expiry of this demise.

(iv) Resumption.—If the lessee or any other person holding the land, or any part thereof, from or under him, commits any breach, or fails to perform any of the terms or conditions of this lease or suffers or permits such breach or non-performance, Government may, at any time thereafter, determine the demise and re-enter on the land and may pull down any structure existing thereon and sell the materials thereof and retain the proceeds of the sale whether this right may have been waived in respect of any earlier default or not, and without prejudice to any other right or claim :

Provided that Government shall pay to the lessee the balance of any sum arising from the sale of such materials after deduction there from any sum which may be due from the lessee and the amount of costs incurred in the disposal of building and other materials.

(v). Stamping and registration—The stamp duty on this Instrument shall be borne by the lessee and he shall, within four months from the date of execution, present this instrument for registration at his own expense, failing which without prejudice to Government's rights otherwise, such failure shall be regarded as a breach of the conditions hereof and the Collector shall be entitled to rescind and cancel the lease without any compensation whatever:

(b) to pay to, or on behalf of, the Government the rent and any other payments which may become due under the lease at the proper time and place, in such manner as may be prescribed by law or fixed by order of a competent authority ;

(c) to agree to use the whole or any part of the land only for the purpose for which the lease is granted; namely making of a brick kiln, and not to use it in any other manner likely to lessen its value, or erect any permanent structure thereon not connected with the purposes for which the lease is granted;

(d) to erect or construct permanent marks demarcating correctly the boundaries and limits of the land at all times to maintain the same in good repair in accordance with any directions issued in that behalf by the Collector from time to time;

(e) not to do, or suffer to be done, any act inconsistent with, or injurious to, any of the rights hereby, excepted and reserved to the Government or any other person, and in particular to permit without let or hinderance all officers or servants of Government or other persons duly authorised by Government in this behalf, to enter upon the land at all times and to do all acts and things necessary for or incidental thereto; and for—

- (i) the purpose of enforcing compliance with any of the terms of the lease; and
- (ii) any purpose connected with the full enjoyment, discovery and use of the mineral or other rights reserved to Government.

Without any claim to compensation, whether by way of remission of rent or otherwise, except as may be specifically provided;

(f) not to interfere with the lawful use by the public of the existing rights and easements thereon by any third person ;

(g) not to assign, sub-let or transfer, by mortgage or otherwise, or part with the land or any part thereof, without the permission in writing of the Government :

(h) the lessee or any other person holding the land, or any part thereof, binds himself that if he commits breach of any of the aforesaid conditions, or fails to perform any of the conditions of lease, or suffers, or permits, such breach or non-performance, the Collector shall, at any time, after giving him a notice of thirty days and an opportunity to appear and state his objections, be entitled to determine the demise and re-enter on the land and, if, necessary, require the lessee or such other person to pull down and remove any buildings, structures or constructions made on the site, or material lying thereon, within a period specified by the Collector after the determination of the lease and on his failure to do so, the Collector shall be free to cause the same to be removed at the expenses of the lessee or such other person or to fix and pay reasonable compensation for the same after deducting any amount that may be found due from him on

(1) To get from the said land earth, clay and other materials to be used in the manufacture of bricks and to manufacture the same into bricks on any part of the said land and to sell and dispose of the bricks so manufactured.

(2) To erect machinery.—To erect, construct and maintain such engines, machinery, kiln, clamps, ovens, workshops buildings or cottages and other things necessary for the purpose of manufacturing, storing or selling bricks and to form such roads, communications and other conveniences on the said land as may be necessary or convenient,

(3) To use water.—For the purpose aforesaid and for the purposes of any building now or hereafter to be erected on the said land, to use any water in or and the demised land to divert the same and to make, construct or maintain any water-courses, ponds or reservoirs but not so as to interfere with the rights of adjoining land-holders or tenants in respect of such water.

(4) Generally to do all things which shall be convenient or generally necessary for the purposes aforesaid.

Consistently with the provisions of section 29 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), and Condition No. 7 of the Rajasthan Colonisation (General Colony) Conditions, 1955.

3. Exceptions and reservations on behalf of Government.—(a) Government hereby excepts and reserves to itself all rights over mines, quarries and minerals, including all substances of a mineral nature other than those which are required for the making of bricks, which may be won from the earth, whether on the surface or below it, with liberty to search for, work and remove the same, in as full and ample a way as if this lease had not been made.

(b) For the full enjoyment and use of any of the rights hereby reserved or stipulated, or for the protection and maintenance of any property hereby excepted, it shall be lawful for Government, through its authorised agents or for any officer of the Government duly authorised in this behalf, to enter any land and occupy it in any manner as may be deemed necessary.

(c) If the Lessee at any time fails to erect, construct or maintain proper boundary marks in accordance with the conditions of this lease, the Collector may, without prejudice to any other rights hereby conferred on the lessee or reserved to the Government, cause such boundary marks to be erected or constructed or repaired, as the case may be, and may recover the cost incurred thereby from the lessee.

4. Lessee's Covenants.—The lessees hereby covenants with the Government as follows :—

(a) not to excavate brick making clay or earth or start any mining operations or prepare any bricks, without first obtaining a mining lease under the Rajasthan Minor Mineral Concession Rules, 1959, from the Mining Department ;

brick kilns, shall be leased by public auction at... .. on the conditions contained in the Rajasthan Colonisation Project Areas Brick Kilns (Leases) Conditions, 1966.

The auction will be held by an officer appointed by the Collector and will commence at.....on the.... ..

Plans.—Plans showing full details of the property to be leased will be open for inspection on any working day from ..... at the office of the Collector.....where from further information can also be obtained.

Signature.....  
Designation Collector, District.

## ANNEXURE II

### Lease-Deed

(See Condition No.-11)

Parties.—THIS LEASE made on the.....day of.....BETWEEN the Governor of the State of Rajasthan (hereinafter called 'Government' of the one part and..... son of.....resident of .....in the district of..... (hereinafter called the 'lessee') of the other part, Witnesses as follows:—

1. Area.—(a) Government hereby demises to the lessee all that plot of land covering.....bighas, more or less, and more particularly described in the schedule hereto (and delineated and coloured.... ..in the plan annexed) together with the liberties and subject to the reservations and exceptions and on the terms and conditions hereinafter appearing.

Act and rules applicable.—(b) This lease is subject to the provisions of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), and the Rajasthan Colonisation Project Areas Brick Kiln (Leases) Conditions, 1966.

Purpose.—(c) The land is leased solely for the purpose of establishing a brick kiln.

Period.—(d) The lease shall be for a term of.... ..years and shall be deemed to have commenced on the day of.... .. 196 and to have concluded on the .....day of .. .....196 unless the lease is sooner determined in accordance with the provision hereinafter appearing.

Rent etc.—(e) The lessee shall pay to the Government the rent hereinafter mentioned, namely.... ..and he also agrees to pay to the Mining Department the royalty and other charges payable under the Rajasthan Minor Mineral Concession Rules, 1959, and to pay to the Irrigation Department the water charges if any, payable under the Rajasthan Irrigation and Drainage Rules, 1955.

2. Lessees' rights to get earth and make bricks.—The following liberties are included in the said demise :—

## PART 'B'

### Provisions relating to pajawas/kajawas.

13. **Pajawas/Kajawas set up on one's holding.**—In consonance with the exemption granted under the Rajasthan Minor Mineral Concession Rules, 1959, no permission shall be required if a tenant to whom khatedari rights have accrued set up a pajawa/kajawa in any ghair mumkin land included in his holding, subject to the condition that the area so used shall not exceed half a bigha and that the bricks made in such pajawa/kajawa shall be used by the tenant himself for the construction or repairs of.

(a) irrigation tanks, nalas and nadis;

(b) wells; and

(c) compound walls for fields or his residential house including compound walls.

14. **Reservation of areas for establishment of pajawas/kajawas.**—The Collector shall, in consultation with the village Panchayat, order the reservation, where necessary, of areas for the establishment of pajawas/kajawas in mandis, villages and chak abadis.

15. **Demarcation of plots.**—Demarcation of plots not exceeding one half bigha each for running pajawas/kajawas in villages or chak abadies, other than the plots for brick kilns, shall be made by the Collector according to the requirements of a village or chak abadi.

16. **Allotment of plots for pajawas/kajawas.**—The plots for pajawas/kajawas may be leased out by the Collector to individual persons without auction on the recommendation of the village Panchayat, and the Tehsildar concerned provided that there is only one application for the same. The rent chargeable in such cases shall be rupees ten per plot per annum provided that plots for pajawas/kajawas shall be leased out by open auction if there are more than one applicant for the same plot.

17. **Period of lease for pajawas/kajawas.**—The period of lease for pajawas/kajawas shall not exceed five years at a time.

18. **Lease-deed not necessary.**—No formal lease-deed need be executed for any land allotted for a pajawa/kajawa, the Collector's order of allotment, which shall be in the form given in Annexure III, shall serve the purpose of a licence.

## ANNEXURE I

(See Condition No. 7)

Form of notice of lease by public auction of sites for brick kilns  
it.....in .....

Project Area.

### NOTICE

Notice is hereby given to the general public that sites numbers....  
.....being the property of the State Government and reserved for

the same in good repair in accordance with any directions issued in that behalf by the Collector from time to time;

- (e) not to do, or suffer to be done, any act inconsistent with, or injuries to any of the rights hereby excepted and reserved to the Government or any other person, and in particular to permit without let or hinderance all officers or servants of Government, or other persons duly authorised by Government in this behalf, to enter upon the land, at all times and to do all acts and things necessary for or incidental thereto ; and for
- (i) the purpose of enforcing compliance with any of the terms of the lease; and
- (ii) any purpose connected with the full enjoyment, discovery and use of the mineral or other rights reserved to Government without any claim to compensation, whether by way of remission of rent otherwise, except as may be specifically provided;
- (f) not to interfere with the lawful use by the public of the existing rights and easements thereon by any third person; and
- (g) not to assign, sublet or transfer, by mortgage or otherwise, or part with the land or any part thereof, without the permission in writing of the Government.

(2) The lessee or any other person holding the land or any part thereof shall bind himself that if he commits breach of any of the aforesaid conditions, or fails to perform any of the conditions of lease, or suffers, or permits, such breach or non-performance, the Collector, shall, at any time, after giving him a notice of thirty days and an opportunity to appear and state his objections, be entitled to determine the lease and re-enter on the land, and, if necessary, require the lessee or such other person to pull down and remove any buildings, structures or constructions made on the site, or material lying thereon, within a period specified by the Collector after the determination of the lease and on his failure to do so, the Collector shall be free to cause the same to be removed at the expenses of the lessee or such other person or to fix and pay reasonable compensation for the same after deducting any amount that may be found due from him on the date of such payment and the cost incurred in the removal of structures, whereupon such buildings and material etc. shall absolutely vest in the Government.

12. Grant of mining lease. - Immediately on grant of a lease by the Collector under Condition No. 10, the Collector shall inform the Mining Department, and on receipt of such intimation from the Collector, the Mining Department shall issue a mining lease for brick earth under the Rajasthan Minor Mineral Concession Rules, 1959, valid for the period of the lease granted by the Collector.

6. Allotment.—(1) The plots so demarcated shall be leased to the public by auction for period not exceeding ten years at a time.

(2) Plots may be reserved for Government departments for running brick manufacturing kilns for the use of the department concerned, on payment of the prescribed lease money. The departments will have to work such kilns departmentally.

(3) Plots for brick kilns may be given to Cooperative Societies for a period not exceeding ten years on a rent of rupees forty per bigha per annum.

7. Auction Notice.—(a) The Collector shall issue a notice of the intended auction in the form given in Annexure 1.

(b) The notice shall be published for general information in the Official Gazette, or by beat of drum in the area concerned, or in any manner considered suitable by the Collector. A copy of such notice shall also be pasted on the notice board of the office of the Collector.

8. *Description of the plots.*—*Lease of the plots by auction will be made by reference to the number shown in the plan at the office of the Collector.*

9. Rent.—Immediately after a lease is sanctioned by the Collector, the lessee shall deposit the amount of the bid given at the auction. The Government departments shall deposit the lease money at the rate of rupees twenty per annum per plot. The Co-operative Societies shall deposit the amount of rent at the rate mentioned in clause (3) of Condition No. 6.

10. Period.—The lease shall be granted for such period as the Collector may fix, not exceeding ten years at a time.

11. Obligations of lessees.—(1) The lesser shall execute agreements in the form given in Annexure II and thereby covenant with the Government.

- (a) not to excavate brick making clay or earth or start any mining operations or prepare any bricks, without first obtaining a mining lease under the Rajasthan Minor Mineral Concession Rules, 1959, from the Mining Department.
- (b) to pay to, or on behalf of, the Government the rent and any other payments which may become due under the lease, at the proper time and place, in such manner as may be prescribed by law or fixed by order of competent authority;
- (c) to agree to use the whole or any part of the land only for the purpose for which the lease is granted, namely, making of a brick kiln, and not to use it in any other manner likely to lessee its value, or erect any permanent structure thereon not connected with the purposes for which the lease is granted;
- (d) to erect or construct permanent marks demarcating correctly the boundaries and limits of the land and at all times to maintain



(e) 'pajawa'/'kajawa' means a small sized kachcha brick kiln used by village potters and local residents for the manufacture of bricks.

(2) Words and expressions used but not defined in these Conditions shall have the meaning assigned to them in the Act.

3. Exceptions and reservations of behalf of Government.—(a) Consistently with the provisions of section 89 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), and Condition No. 7 of the Rajasthan Colonisation (General Colony) Conditions, 1955, Government hereby excepts and reserves to itself all rights over mines, quarries and minerals, including all substances of a mineral nature other than those which are required for the making of brick, which may be won from the earth, whether on the surface or below it, with liberty to search for, work and remove the same, in as full and ample a way as if no lease had been granted.

(b) For the full enjoyment and use of any of the rights hereby reserved or stipulated, or for the protection and maintenance of any property hereby excepted, it shall be lawful for Government, through its authorised agents, or for any officer of Government duly authorised in this behalf, to enter any land and occupy it in any manner as may be deemed necessary.

(c) If the lessee at any time fails to erect, construct or maintain in proper boundary marks in accordance with the conditions of such lease, the Collector may, without prejudice to any other rights hereby conferred on the lessee or reserved to the Government, cause such boundary marks to be erected or constructed or repaired as the case may be and may recover the cost incurred thereby from the lessee.

## PART 'A'

### Provisions relating to brick kilns

4. Reservation of areas for establishment of brick kilns.—The Collector shall order the reservation of areas for the establishment of brick kilns in mandis, villages and chak abadies, after examining the requirements of the local people, soils, etc.; and the khatedari or other occupied lands including abadi areas etc., coming within these reservations shall be duly acquired under the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) :

Provided that the order regarding reservation of any area shall be passed by the Collector after consulting and obtaining a certificate from the Director of Mines or his nominee, with regard to the suitability of the soil of the area to be reserved for brick kiln or kilns.

5. Demarcation of plots.—Plots not exceeding ten bighas for each brick kiln shall be demarcated in the area reserved for the establishment of brick kilns.

# The Rajasthan Colonisation Project Areas Brick kiln (Leases) Conditions, 1966.

REVENUE (COLONISATION) DEPARTMENT

*Jaipur, December 16, 1966*

Notification No. F. 4 (2) Rev./Col./65.—In exercise of the powers conferred by section 28, read with sub-sections (1) and (2) of section 7, of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954), and in supersession of this department's notification No. F. 6 (123) Rev. B/56, dated the 21st March, 1959, [as published in the Rajasthan Gazette Part IV-C, dated the 17th September, 1959], the State Government hereby prescribes the following conditions for the grant of leases of Government land for the establishment of brick kilns in Project areas, namely :—

## General

1. Short title, commencement and application.—(1) These conditions may be called the Rajasthan Colonisation Project Areas Brick Kiln (Leases) conditions, 1966.

(2) These conditions shall come into force upon their publication in the Official Gazette.

(3) These conditions shall apply to the Gang Canal Colony, the Bhakra Project Area, the Rajasthan Canal Project Area and the Chambal Project Area, or any other major or medium project area notified by the State Government for this purpose.

2. Interpretations.—(1) In these Conditions, unless there is anything to the contrary in the subject or context,—

(a) 'Act' means the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954);

(b) 'Government' means the Government of Rajasthan;

(c) 'lease' includes any person holding land under a lease and shall be deemed to include his successors and permitted assigns, and when the terms of the lease include his co-sharers, any liability imposed by these Conditions shall be the joint and several liability of each co-sharer;

(d) 'minerals' include all substances of a mineral nature which can be won from the earth, such as coal, earth, oil, stones and any form of soil which can be used for a profitable purpose on removal whether existing on, over or below the surface of the land;

It is, therefore, requested to kindly allot me the under mentioned land for cultivation:—

Discription of land	Khasra No.	Area	Soil	Class	Rent
1	2	3	4	5	5

I hereby undertake to abide by the provisions of rules for the allotment of lands to progressive farmers in the Chambal Commanded Area.

Yours faithfully,  
*Signature.*

thereon, for a period of ten years. After this period, he shall be entitled to Khatedari rights as usual.

11. A Committee consisting of the following persons will select progressive farmers for allotment of land at concessional rates for Chambal Commanded area, namely:—

- |  |      |           |
|--|------|-----------|
| 1. Director, Colonisation              | .... | Convenor. |
| 2. Collector of the District           | .... | Member.   |
| 3. Pramukh of the District             | .... | Member.   |
| 4. Joint Director of Agriculture, Kota | .... | Member.   |

The applications for allotment shall be invited in the prescribed form.

12. The Collector of the District concerned shall see that the rules are strictly followed by the allottee. In default of these conditions, the land shall be liable to be resumed without any compensation whatsoever.

S. D. UJWAL,  
Additional Chief Secretary to Government.

*Form of application for allotment of land in the Chambal  
Commanded area to progressive cultivators.*

To

.....  
.....  
.....

Sir,

I, .....S/o .....resident of  
.....Tehsil ..... District .....  
Occupation .....State as under:—

1. That I am a landless person.

2. That I do not possess any agricultural land for cultivation either in my own name or in the name of any member of my family.

OR

That I possess the following agricultural lands at present:—

Name of village in which situated	Khasra No.	Area	Soil	Class	Rent
1	2	3	4	5	6

3. That I require land for personal cultivation.

4. That I have practical experience of Canal Irrigation having worked on such farm at .....for a period of more than five years.

# Rules for the Allotment of Land to Progressive Farmers In The Chambal Commanded Area

Irrigation Department

## NOTIFICATION

Jaipur, December 10, 1962.

No. F. 7 (139)/Irg./60.—In pursuance of clause (b) of sub-rule (2) of rule 8 of the Rajasthan Colonisation (Chambal Project Government Lands Allotment and Sale) Rules, 1957, the State Government hereby makes the following rules for the allotment of Land to progressive farmers in Chambal commanded area namely:—

1. These rules may be called the Rules for the Allotment of Land to progressive farmers in the Chambal Commanded area.

2. They shall come into force at once.

3. An allottee may be allotted not exceeding 30 acres of good irrigated land in the Chambal Commanded area. Two allottees may be settled in each Tehsil which will come under the commanded area of the Chambal Project.

4. The land shall be allotted on 1/4th of the reserve price, recoverable in ten years, no recovery being made in the first two years of allotment.

5. The land shall be allotted to progressive farmers with practical experience of farming in Canal irrigated area and may include Agricultural Graduates as well.

6. The allottees shall settle on the land within six months and carry on all agricultural operations personally with their own hands.

7. The allottee shall adopt crop pattern as recommended by the State Agriculture Department from time to time.

8. The allottee shall adopt improved agricultural practices recommended by the State Agriculture Department from time to time such as line sowing, use of improved implements, improved seeds, fertiliser green manuring etc. He shall also construct pucca water channels if necessary so as to make their lands model farms.

9. The allottee shall also maintain one or two milch cattle of the approved breed on the land and grow green fodder.

10. The allottee shall not sublet at any time of his tenure the lands or any part thereof, or transfer or attempt to transfer the possession thereof or any right, title or interest therein or create or attempt to create any charge

# NOTIFICATIONS UNDER RAJ. COLONISATION ACT, 1954

## NOTIFICATIONS

In exercise of the powers conferred by clause (ii) of the Rajasthan Colonisation Act, 1952 the Government of Rajasthan has applied the provisions of the said Act to some villages of following tehsils vide Notifications issued from time to time as under:—

S. No.	Notification No.	Date.	Gazette part iv (c) Reference	Area.
1	F.6.(557) Rev./A/57 Part I.	26-3-58	1/5/58	Villages of Nathdwara, Raj Samand, Railmagra and Mawali Tehsils of Udaipur District.
2	-do- part. ix	-do-	-do-	Villages covering Gudha project and Bundi-ka-Gothara project in Bundi, Hindauli and Nainwa Tehsils.
3	-do- part. viii	-do-	12/6/58	Villages in Sapotra and Hindaun Tehsils of sawai Madhopur District covering Kali Sil Bundh and Agar Bundh projects.
4	-do-	30-4-58	-do-	Villages of Sirohi District covering Ora project.
5	-do-	22-5-58	-do-	Villages of Chittorgarh District covering Sonian and Borda projects.
5	-do-	24-6-58	31/7/58	Villages of Mandal, Banera, Bhilwara, Mandalgarh, Hurda, Shahpura and Asind Tehsils of Bhilwara District covering Meja, Goata, Sareri and khari Bundhs,
7	-do-	12-7-58	-do-	Villages of Jalore District covering Jawai and Bankli Bundhs.
8	-do-	9-7-58	-do-	Villages of Bundi, Nainwa and Hindauli Tehsils of Bundi District covering Bhimlat, Piewalapura, Baoripech projects.
9	-do-	21-7-58	7/8/58	Villages of Lasadia Tehsil of Udaipur District covering Jhakhan project
10	-do-	24-6-58	31/7/58	Villages of Pali District covering Jawai river project,

*Published in Raj. Raj-patra Dated September 19, 1957 part I(b) at page 412 :*

### REVENUE (A) DEPARTMENT NOTIFICATION

Jaipur, September 3, 1957

No. D. 12063/F.6 (513) Rev./A/55.—In exercise of the powers conferred by clause (11) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the Government of Rajasthan is pleased to apply the provisions of the said Act to the following villages.[of Tahsils Hanumangarh, Suratgarh, and Nohar]

*Published in Raj. Raj-patra Dated December 12, 1957 part I (b) at page 876 :*

### REVENUE DEPARTMENT NOTIFICATION

Jaipur, November 21, 1957.

*No. F. 6 (406) Rev. (A) B/57.*—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the State Government hereby directs that the said Act shall apply with immediate effect to the villages of the Kota and Bundi districts, specified in the attached schedule. (consists of the villages of Tahsils of Banli, Talera, Keshoraipatan, Ladpura, Digod, Sangod, Antah, Baran, Mangrol, Barol, Itawa, Indergarh Pipalda.)  
*Published in Raj. Raj-patra Dated May 23, 1957 part IV (c) at page 58 :*

#### REVENUE (A) DEPARTMENT NOTIFICATION

Jaipur, April 26, 1957.

*No. F. 6 (513) Rev./B/55.*—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the Government of Rajasthan is pleased to apply the provisions of the said Act to the villages, of Tehsil Magra.

*Note.*—the list of villages stands modified vide notification No. 6 (613) Rev/B/55 Irg/II at 12/9/58, published in pt. IV (c) date 2/10/58.

*Published in Raj. Raj-patra Dated September 13, 1956 part I (b) at page 535 :*

#### ENGLISH TRANSLATION

*( Authorised by His Highness the Rajpramukh )*

Jaipur, September 3, 1956.

*No. F. 6 (34) Rev. II/54.*—In pursuance of clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (XXVII of 1954), the State Government is hereby pleased to order that the said Act shall apply with immediate effect to the area of the Ganganagar district irrigated by the Gang Canal.

*Published in Raj. Raj-patra Dated July 9, 1955 part I (b) at page 270 :*

*(English Translation.*

*Jaipur, May 31, 1955. .*

*No. F. 22 (12) Rev. A/50.*—In exercise of the powers conferred under clause (ii) of Section 2 of the Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954) the Government of Rajasthan is pleased to apply the provisions of the said Act to the Villages mentioned in the Schedule annexed hereto and to be commanded by the canals of the Bhakra Project and to declare the said area to be a "Colony" for purposes of the said Act. [schedule consists of the villages of the Revenue Tahsil of Hanumangarh]

*Published in Raj. Raj-patra Dated April 23, 1955 7 part I (a) at page 20 :*

*Jaipur, March 29, 1955.*

*No. D. 3442/F. 22 (7) Rev. A/55.*—In exercise of the powers conferred under clause (1) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the Government of Rajasthan is pleased to authorise the Director of Colonisation at Hanumangarh to perform all the functions of and exercise all the powers of Collector under the aforesaid Act.

*Published in Raj. Raj-patra Dated June 11, 1955 part I (b) at page 208 :*

*(English translation authorised by His Highness the Raj Pramukh)*

*Jaipur, May 27, 1955.*

*No. D.3441 55F.22(12) Rcv. 1/54.*—In exercise of the powers conferred by sec. 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the Government of Rajasthan is hereby pleased to confer on the following colonisation officers the powers of the appropriate Revenue Officers to try the proceedings mentioned below against each class of colonisation officers, subject to the following conditions:—

(1) The powers with regard to sale and allotment of home sites shall be exercised only in respect of new Mandies and new Abadies to be established in the chaks. Abadi sites in old villages will continue to be looked after by ordinary Revenue Officers as at present.

(2) Adjudications of disputes between private parties other than those arising out of or connected with consolidation and colonisation schemes and other than those relating to land allotted by colonisation officers will continue to be done ordinarily by Revenue Officers, and shall not be within the purview of the powers conferred hereby.

(3) The powers will be exercised within the following areas:—

(a) by the Deputy Director of colonisation, Hanumangarh-within colony Tehsils Hanumangarh, Sadulsar and Sangaria:—

(b) by the Deputy Director Colonisation, Nohar within colony Tehsils Nohar, Suratgarh and Bhadra :

(c) by other officers-within their local jurisdiction:—

(4) Orders passed under these powers by Colony Tehsildars shall be valid only if and to the extent to which they are confirmed by the Deputy Director concerned.

# 1. PROCEEDINGS TRIABLE BY THE DEPUTY DIRECTORS OF COLONISATION.

## *Reference to provision of Rajasthan Act 1 of 1951*

### *Description of proceedings*

(1) For partition of a partible estate, mahal or Zamindari	Item 1 of Group A-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(2) For division of a holding.	Item 2 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(3) To set aside notice of surrender.	Item 3 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951
(4) For recovery of possession by a person wrongly ejected.	Item 12 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(5) By a tenant for declaration of his class of tenancy or his rights, share etc., in the tenancy-	Item 13 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(6) By Landlord for declaration of the right of a person claiming to be tenant,	Item 14 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(7) For right of way over another persons field to one's own field.	Item 25 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(8) For right of taking water from a water course or another's Dhua (Channel).	Item 26 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(9) For any dispute over common grazing and other lands.	Item 28 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.
(10) For determination of boundaries of villages.	Item No. 16 of Group B-Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.

(11) For lease of unoccupied Government lands, and obtaining tenancy rights thereon for the purpose of—



<i>Description of Proceedings</i>		<i>Reference to provision of Rajasthan Act of 1951.</i>		
(a) laying out garden, orchard or groves, or				
(b) Planting trees, or				
(c) Cultivation.				
(12) Objection to soil classification and assessment of revenue.				
<b>II. PROCEEDINGS TRIABLE BY COLONY TEHSILDARS.</b>				
	Item 3	Group D	Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951	
(1) For exchanges of lands between tenants for colonisation of.	"	"	"	"
(2) For mutation on exchange of lands.	"	"	"	"
(3) By mortgagor for redemption of land and redelivery of possession.	"	"	"	"
(4) For conformation of a private division of holding.	"	"	"	"
(5) For correction of entries in Land Records	"	"	"	"
(6) For correction of errors in maps and field books.	"	"	"	"
(7) Adjustment of boundaries of villages during consolidation and Rectangularisation operation.	"	"	"	"
<b>III. PROCEEDINGS TO BE TRIED BY COLONY TEHSILDARS.</b>				
	"	"	"	"
<i>Description of Proceedings</i>				
(8) For temporary cultivation of unoccupied Government lands.	Item 1	Group E	Schedule 1 of Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.	
(9) For settlement of dispute over ownership of trees.	"	"	"	"
(10) For permission to remove trees for clearing land for agricultural purposes, when any unoccupied Government land is allotted to a tenant.	"	"	"	"
(11) For surrender of a holding or part thereof	"	"	"	"

to Government or in a Jagir area.

- (12) For issue of notice of proclamation of trees, lands as abandoned and to re-instate a tenant who has abandoned his holding.
- (13) For mutation on death or on abandonment, surrender or transfer of a holding.
- (14) For purchase of allotment of home site in Abadi outside municipal limits, and areas reserved for establishment of new mandies and townships.
- (15) Adjustment and decision of disputes of boundaries of fields holdings and estates for purposes of consolidation and Rect-angulisation-
- (16) For correction of errors in map or field books.

IV. PROCEEDINGS TO BE TRIED BY COLONISATION NAIB TEHSILDARS

(1) For mutation on death or abandonment or surrender or Item 13 Group E Schedule 1 of Rajasthan Revenue Courts (Proce-  
transfer of a holding dure and Jurisdiction) Act, 1951.

*Published in Raj. Raj-patra Dated January 7, 1956 part I (b) at page 850 :*

[English Translation authorised by His Highness the Rajpramukh.]  
NOTIFICATION.

Jaipur, November 1, 1955.

No. F. 22 (12) RA/54.—In exercise of the powers conferred by section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the Government of Rajasthan hereby makes the following amendment to its Notification No. D. 3+1/55 F. 22 (12) Rev. 1/5-4, dated the 27th May, 1955, namely:—

# *Amendment*

For paragraph 3 of the Notification mentioned above, the following paragraph shall be substituted, namely:—

- "3. The powers mentioned above will be exercised by the following officers within the areas respectively mentioned against each officer.
- (a) By the Deputy Director of Colonisation, Hanumangarh—within Colony Tehsils, Hanumangarh, and Sangaria;
- (b) By the Deputy Director of Colonisation, Nohar—within Colony Tehsils Nohar and Bhadra;

(c) By the Deputy Director of Colonisation, Sumtgarh—within Colony Tehsils, Suratgarh and Sadulshahr;

(d) By other officers—within their local jurisdiction.”

2. This amendment shall have effect from the date on which the appointment of Deputy Director of Colonisation, Suratgarh was made.

His Highness the Rajpramukh,  
P. N. KAUL,  
*Secretary to the Government.*

*Published in Raj. Raj-patra Dated September 18, 1958 part IV (c) at page 989 :*

# IRRIGATION, COLONISATION & MANDIES DEPARTMENT NOTIFICATION

Jaipur, September 3, 1958

No. 6. (552) Rev/B/Irg/57—In pursuance of clause (i) of section 2 of the Rajasthan Colonisation Act, 1954 [No. 27 of 1954] the State Government hereby appoint to the Director, Colonisation, Rajasthan Canal Project, Bikaner to be an officer to perform all or any of the functions and to exercise all or any of the powers of the Collector under the said Act.

By Order of the Governor,  
Z. S. Jhala,  
Secretary to the Government.

Notifications under

## The Rajasthan Colonisation Act, 1954.

Published in Rajasthan Raj-patra part IV (c) dated May 14, 1959 at page 149-158

Irrigation, colonisation & Mandies Department

### NOTIFICATION

Jaipur, January 21, 1959.

No. F. 16 (129) Rev./B./58/Irg.—In exercise of the power conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), the Government of Rajasthan does hereby direct that the Provisions of the said Act shall apply to the villages mentioned in the Schedule annexed hereto,

### SCHEDULE

List of Villages Coming Within the Rajasthan Canal Project

(District Ganganagar)

Tehsil Nohar

- |                        |                             |
|------------------------|-----------------------------|
| 1. Dasuwali            | 26. Mahela with Dhani       |
| 2. Rampura             | 27. Devasar                 |
| 3. Kikralia            | 28. Shaikh Chulia           |
| 4. Poharka             | 29. Udasar                  |
| 5. Dhannasar           | 30. Seerasar                |
| 6. Hardaswali          | 31. Khokharsar              |
| 7. Ramks with Biramsar | 32. Guniasar Charni         |
| 8. Manakeriya          | 33. Daniasar Charni         |
| 9. Bodlan              | 34. Kalasar                 |
| 10. Bangasar           | 35. Rekhasar                |
| 11. Lakheran           | 36. Ratnadesar              |
| 12. Moter              | 37. Dudhli                  |
| 13. Bannasar           | 38. Pallu                   |
| 14. Dhandhusar         | 39. Lunasar                 |
| 15. Dheerdesar         | 40. Naiyasar                |
| 16. Purabsar           | 41. Ladam                   |
| 17. Dhandela           | 42. Birsar with Dhani Magha |
| 18. Topariya           | 43. Sarupdesar              |
| 19. Munsari            | 44. Kulchasar               |
| 20. Naulakhi           | 45. Binjasar                |
| 21. Phogla             | 46. Ghariyasar.             |
| 22. Jhedasar           | 47. Ghaniyasar              |
| 23. Chanderi Chhoti    | 48. Malasar                 |
| 24. Chanderi Badi      | 49. Nirwal.                 |
| 25. Hameerdesar        |                             |

50. Malkasar  
51. Kelaniya

52. Daniyasar

**Tehsil Suratgarh**

- |                 |                              |
|-----------------|------------------------------|
| 1. Aita         | 17. Bhojusr                  |
| 2. Kalusar      | 18. Faridsar                 |
| 3. Sobhasar     | 19. Rayanwali                |
| 4. Thukrana     | 20. Kardu                    |
| 5. Chaharsar    | 21. Biradhwai                |
| 6. Gushainsar   | 22. Hindor                   |
| 7. Sanwalsar    | 23. Pipasar                  |
| 8. Ladher       | 24. Rajivasar                |
| 9. Sangrasar    | 25. Amarpura                 |
| 10. Deedwana    | 26. Chak Sadani              |
| 11. Khariya     | 27. Bhagwanwala              |
| 12. Mokalsar    | 28. Udaipur-Bas Udasar       |
| 13. Deidasapura | 29. Udaipur Bas Godaran      |
| 14. Konpalsar   | 30. Maler                    |
| 15. Bachhrara   | 31. Bheemsar Alias Kumbhgarh |
| 16. Rattasar    | 32. Shivanathpura            |

**(District Bikaner)**

**Tehsil Lunkaransar**

- |                   |                    |
|-------------------|--------------------|
| 1. Chindasar      | 24. Kbanisar       |
| 2. Hathusar       | 25. Kumbhasar      |
| 3. Jagor          | 26. Meusar         |
| 4. Devasar        | 27. Duderiya       |
| 5. Kanolai        | 28. Jagatsinghpura |
| 6. Lakhsar        | 29. Ramsara        |
| 7. Gorisar        | 30. Chak Asrasar   |
| 8. Mahadevwal     | 31. Nakrasar       |
| 9. Sadolai        | 32. Lakhore Chhoti |
| 10. Motasar       | 33. Jaswantsar     |
| 11. Ramnawali     | 34. Asrasar        |
| 12. Beranwala     | 35. Duder          |
| 13. Rekh Chorana  | 36. Kikraliya      |
| 14. Bana Basti    | 37. Bhojrasar      |
| 15. Kumbhana      | 38. Sheodanpura    |
| 16. Maneran       | 39. Khiana         |
| 17. Thuiyan       | 40. Suleran        |
| 18. Likhnisar     | 41. Bhikhneran     |
| 19. Hindor        | 42. Rekh Meghana   |
| 20. Laggore Badli | 43. Rekh Ajitmana  |
| 21. Rampura       | 44. Ladairan       |
| 22. Phuleji       | 45. Bhunwala       |
| 23. Chakjor       | 46. Motolai        |

- |                              |                               |
|------------------------------|-------------------------------|
| 47. Lakhawar                 | 94. Kapurisar                 |
| 48. Ajitmana                 | 95. Malkisar                  |
| 49. Karnali                  | 96. Bhom Malkisar             |
| 50. Rajasar Bhatian          | 97. Piperan                   |
| 51. Kunda                    | 98. Gopliyan                  |
| 52. Kelan                    | 99. Bhaderan                  |
| 53. Sardarpura               | 100. Udana                    |
| 54. Ambaran                  | 101. Sainiwala                |
| 55. Makiasar                 | 102. Phuldesar                |
| 56. Binjharwali              | 103. Rojhan                   |
| 57. Musalki                  | 104. Bhoja Bas                |
| 58. Sobholai                 | 105. Hamir Bas                |
| 59. Alodan                   | 106. Unchaira                 |
| 60. Khilerian                | 107. Sharah Netawas           |
| 61. Birmana                  | 108. Sharah Bnohawas          |
| 62. Khokharana               | 109. Sharah Binchhaswas       |
| 63. Dailana Bada             | 110. Sharah Khatiyawas        |
| 64. Dailana Chhota           | 111. Laleran                  |
| 65. Lichhmiarayanear         | 112. Bhothian Alias Ratanpura |
| 66. Kakarwala                | 113. Khyeran                  |
| 67. Taijana                  | 114. Bhadwan                  |
| 68. Baderan                  | 115. Dudiyanwali              |
| 69. Manohariya               | 116. Mukelairan               |
| 70. Gusaina                  | 117. Sodhwali                 |
| 71. Baladesar                | 118. Haphasar                 |
| 72. Ratnisar                 | 119. Kisturiya                |
| 73. Laliran                  | 120. Bamanwali                |
| 74. Chak Bhanwariya          | 121. Jesa                     |
| 75. Meethdiya                | 122. Mehrana                  |
| 76. Arjansar                 | 123. Sadairan                 |
| 77. Ranisor                  | 124. Dhiraran                 |
| 78. Chak Arjansar            | 125. Utamdesar                |
| 79. Surajpura                | 126. Dulmira                  |
| 80. Rambagah                 | 127. Hanseran                 |
| 81. Ghesura                  | 128. Udeshiya                 |
| 82. Mahajan                  | 129. Jakharwala               |
| 83. Mohkamura                | 130. Surnana                  |
| 84. Beer Sangareu            | 131. Khari                    |
| 85. Sherpura Th. Chhatargarh | 132. Kuji                     |
| 86. Jetpura                  | 133. Shejrasar                |
| 87. Sabaniya                 | 134. Kal-kal Mukleran         |
| 88. Taliwala                 | 135. Kakariobha               |
| 89. Suin                     | 136. Lunkaransar              |
| 90. Dulchasar                | 137. Basti Dailwan            |
| 91. Rajitpura                | 138. Kaluwas                  |
| 92. Bakhusar                 | 139. Uchrangdesar             |
| 93. Shekhsar                 | 140. Basti Jogiyan            |

- |                              |                             |
|------------------------------|-----------------------------|
| 141. Basti Charnan           | 152. Dhani Pandusar         |
| 142. Bhanipura               | 153. Manaparsar             |
| 143. Adsar                   | 154. Rajpura Hudan          |
| 144. Karnisar                | 155. Rajasar Alias Karnisar |
| 145. Ranwasar                | 156. Chhatasar              |
| 146. Nathusar                | 157. Kagasar                |
| 147. Kalu                    | 158. Garabdesar             |
| 148. Kishanasar              | 159. Kubiya                 |
| 149. Nathwana                | 160. Khapharsa:             |
| 150. Dheerdan                | 161. Gantan                 |
| 151. Panchara Alias Amarpura |                             |

**Tehsil Bikaner**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Motigarh           | 35. Akriwala             |
| 2. Ramsar             | 36. Harkhasar Bagoran    |
| 3. Bhanvatawala       | 37. Sharh Dholeran       |
| 4. Surasar            | 38. Dholeran No. 1       |
| 5. Bandranwala        | 39. Dholeran No. 2       |
| 6. Bhanipura          | 40. Dholeran Hissa Magji |
| 7. Karnisar B atiyar  | 41. Dholeran Hissa Pemji |
| 8. Barju              | 42. Sareh Rupayat        |
| 9. Barala             | 43. Jamsar               |
| 10. Deensar           | 44. Jalalsar             |
| 11. Kavani            | 45. Khichiyar            |
| 12. Mabarsar          | 46. Lalasar              |
| 13. Nal Badi          | 47. Jagdevwala           |
| 14. Jaimalsar         | 48. Rakba Jalalsar       |
| 15. Borla             | 49. Daudsar              |
| 16. Sareh Sutharan    | 50. Kanasar              |
| 17. Sareh Makran      | 51. Khara                |
| 18. Sareh Barahamran  | 52. Basi Shaj Bardaran   |
| 19. Sareh Ratani Vyas | 53. Husarsar             |
| 20. Sareh Jatan       | 54. Gersar               |
| 21. Gol Pratapsingh   | 55. Dandusar             |
| 22. Daiya             | 56. Bikaner              |
| 23. Nal Chhoti        | 57. Sareh Nathania       |
| 24. Jalwali Noorsar   | 58. Rughnathsar          |
| 25. Dair Jogan        | 59. Nathusar             |
| 26. Lakhisar          | 60. Sareh Teliyan        |
| 27. Bairunkhira       | 61. Karmisar             |
| 28. Sharh Bhan Vyas   | 62. Sujandesar           |
| 29. Bairunpawa        | 63. Bhinasar             |
| 30. Badrasar          | 64. Gangashahr           |
| 31. Sobhasar          | 65. Kishmidesar          |
| 32. Sharah Bardi      | 66. Sarah Sarupdesar     |
| 33. Kalasar           | 67. Bhojansala           |
| 34. Sawaisar          | 68. Bachhasar            |

69. Anopsagar	105. Bandha
70. Sriramsar	106. Karnisar Bikan
71. Palana	107. Katriyasar
72. Sarupdesar	108. Laderan
73. Barsinghsar	109. Runia Ras Bada
74. Lalamdesar Basi	110. Dhireran
75. Bhojusr	111. Rajeran
76. Deshnok	112. Bhojeran
77. Sujasar	113. Aseran
78. Ambasar	114. Sereran
79. Udramsar	115. Hamiran
80. Gigasar	116. Ruperan
81. Kesardesar Boran	117. Anandpura
82. Keshardesar Jatan	118. Kharda
83. Kesardesar Ganganguran	119. Ranisra
84. Jorbeer	120. Gusainsar
85. Surdhana Pariharan	121. Norangdesar
86. Surdhana Chohanani	122. Tejrasar
87. Napasar	123. Sarah Baidan
88. Gadhwala	124. Mundsar
89. Kalyansar Utrada	125. Ramsar
90. Devasar	126. Sinthal
91. Kalyansar Bada	127. Belasar
92. Kalansar Aguna	128. Suratsinghpura
93. Kilchu Devdan	129. Lalsinghpura
94(a). Kilchu Sahlotan	130. Bad Karnidan
94(b). Kilchu Rathoran	131. Udasar
95. Raisar	132. Chak Garbi
96. Panpalsar	133. Benohhwal
97. Ridmalsar Pirotan	134. Sareh Aoharjan
98. Sarah Kajani	135. Pemasar
99. Shivbari	136. Sareh Kunjiya
100. Naina-ka Bas	137. Nagasar
101. Himtasar	138. Nagasar Pawanran
102. Bamblu	139. Jagnathsar
103. Molaniya	140. Basti Chavdan
104. Malasar	

#### Tehsil Magra

1. Kolayat	9. Loiyani
2. Kotari	10. Khetolai Burj
3. Jhajhu	11. Khetolai Budhar
4. Siyana Bas Bada	12. Chak Sethiya
5. Sargangeri	13. Chak Mulajman
6. Khetolai Mulwan	14. Chak Gujarsinghwala
7. Khakhusr	15. Dayatra
8. Sareh Kumbholai	16. Khetolai Simbhu



- |                        |                          |
|------------------------|--------------------------|
| 17. Ladhkhan           | 64. Gangapura (Pilap)    |
| 18. Mandal Bandh       | 65. Chak No. 8.          |
| 19. Ambayat            | 66. Chak Bandha 7        |
| 20. Sareh Kiklet       | 67. Chak No. 1           |
| 21. Kanya-ki-Basti     | 68. Chak No. 3           |
| 22. Kanya Bandh        | 69. Chak No. 4           |
| 23. Chhaneri           | 70. Samorakhi            |
| 24. Bhane-ka-Ganv      | 71. Bhaleri              |
| 25. Tokla              | 72. Motavatan            |
| 26. Ravneri            | 73. Kishanayat Budhan    |
| 27. Mandal Ravlotan    | 74. Deh                  |
| 28. Batiya Bandh       | 75. Madh                 |
| 29. Mandal Bhatiyar    | 76. Chak Bandha No. 1    |
| 30. Mandal Charnan     | 77. Chak Bandhan No. 2   |
| 31. Sareh Bikalai      | 78. Chak Bandhan No. 3   |
| 32. Sareh Punolav      | 79. Chak Bandha No. 4    |
| 33. Motasar            | 80. Chak Madhogarh       |
| 34. Gadiyala           | 81. Chok Khudi           |
| 35. Nakhda             | 82. Chak Saliya          |
| 36. Girasar            | 83. Chak Dadar           |
| 37. Girandhi           | 84. Reqba Gajner         |
| 38. Bajju              | 85. Bhiyani Mani         |
| 39. Nagrasar           | 86. Kodamdesar           |
| 40. Dadu-ka-Ganv       | 87. Sareh Gherulal       |
| 41. Bera Dedavtan      | 88. Sareh Gujrayat       |
| 42. Sevda              | 89. Pabi Brahmani        |
| 43. Medi-ka-Magra      | 90. Sareh Kiradu         |
| 44. Kolasar            | 91. Sarah Kulera         |
| 45. Pabuser            | 92. Basti Chohanar       |
| 46. Mithdiya           | 93. Kotda                |
| 47. Govindsar          | 94. Gajner P.P.          |
| 48. Chak Beethnoke     | 95. Naiyan ki-Basti      |
| 49. Beethnoke          | 96. Salasar              |
| 50. Guda with Lakhasar | 97. khet Chandasar       |
| 51. Sinduka            | 98. Chandasar            |
| 52. Ranasar            | 99. Rekh Ransar          |
| 53. Prathviraj ka-Bera | 100. Goyalri             |
| 54. Angneu             | 110. Sareh Kishanayat    |
| 55. Surajda            | 102. Araji Jeetusingh    |
| 56. Burj Chopdaran     | 103. Enda-ka-Bala        |
| 57. Randhisar          | 104. Chak Chani          |
| 58. Nokha              | 105. Chani               |
| 59. Lumbasar           | 106. Araji Nala          |
| 60. Chak No. 6         | 107. Bhayla              |
| 61. Chak No. 5         | 108. Mokha Khalsa        |
| 62. Sareh Jodki        | 109. Mokha Charanan      |
| 63. Khari Charnan      | 110. Chak Bejaysinghpura |

- |                            |                       |
|----------------------------|-----------------------|
| 111. Siyana Jodhasar       | 118 Bholasar Chohanen |
| 112. Siyana Bas Kundaliyan | 119. Shisan           |
| 113. Siyana Bas Kabadiyan  | 120. Akkasar          |
| 114. Sareh Kabadiyan       | 121. Meghasar         |
| 115. Hadla Bhatiyen        | 122. Kolasar          |
| 116. Hadla Kavlotan        | 123. Balala           |
| 117. Bholasar Budhan       |                       |

(District Churu)

Tehsil Dungargarh.

- |              |                           |
|--------------|---------------------------|
| 1. Loderan   | 7. Samandesar             |
| 2. Binjhasar | 8. Jhanjheu with Jodhasar |
| 3. Rajpura   | 9. Sheruna                |
| 4. Punrasar  | 10. Narsisar              |
| 5. Manrasar  | 11. Derajsar              |
| 6. Gusainsar |                           |

Tehsil Sardarshahr

- |                      |                      |
|----------------------|----------------------|
| 1. Nanaparsar        | 9. Rajasar Chotia    |
| 2. Rolasar           | 10. Rajasar Panvaran |
| 3. Bhatwala          | 11. Sonpalsar        |
| 4. Baniyasar         | 12. Kikasar          |
| 5. Sumeriya          | 13. Malsisar         |
| 6. Nainasar Sumeriya | 14. Dhirasar         |
| 7. Bhojasar Bada     | 15. Kanvlasar        |
| 8. Bhojasar Chhota   | 16. Tolasar          |

(District Jaisalmer)

Tehsil Nachna

- |              |                 |
|--------------|-----------------|
| 1. Dadura    | 4. Gularwala    |
| 2. Maganwala | 5. Bhatiyonwala |
| 3. Aakalwala |                 |

Tehsil Jaisalmer

- |            |         |
|------------|---------|
| 1. Parewar | 4. Boha |
| 2. Gogade  | 5. Deva |
| 3. Lakha   |         |

Tehsil Ramgarh

- |                      |                |
|----------------------|----------------|
| 1. Ekal-ka-Par       | 9. Sonu        |
| 2. Hema              | 10. Habur      |
| 3. Naitsi (Viprasar) | 11. Serava     |
| 4. Joga              | 12. Bandha     |
| 5. Tanot             | 13. Meerwala   |
| 6. Khuiyala          | 14. Drabla     |
| 7. Sauryamber        | 15. Asuwala    |
| 8. Kuchhdi           | 16. Kishangarh |

## Tehsil Sam

- |                       |                        |
|-----------------------|------------------------|
| 1. Sam                | 46. Karan              |
| 2. Hatar              | 47. Kharaui            |
| 3. Dhanali            | 48. Khara              |
| 4. Maligada           | 49. Khabrau            |
| 5. Samejapar          | 50. Khariya (2)        |
| 6. Turkon-ki-Basti    | 51. Khabdela           |
| 7. Ganga              | 52. Leloi              |
| 8. Phaledi            | 53. Lang               |
| 9. Dabri              | 54. Lahuwali           |
| 10. Par Rahun         | 55. Lohar              |
| 11. Sagron-ki-Basti   | 56. Mandhalo           |
| 12. Siyal             | 57. Mandhalwala        |
| 13. Hameron-ki-Basti  | 58. Manglia Mithrau    |
| 14. Manu              | 59. Maha               |
| 15. Luna              | 60. Mandau             |
| 16. Kanoi             | 61. Mithi kui          |
| 17. Mehbupar          | 62. Mitha Tala (Ranau) |
| 18. Dhanana           | 63. Makue-ka-Tala      |
| 19. Dakrala           | 64. Murajenwala        |
| 20. Keshvon-ki-Basti  | 65. Mungel             |
| 21. Chajau            | 66. Murar              |
| 22. Meloi             | 67. Menau              |
| 23. Budhan wali       | 68. Meharana           |
| 24. Devgarh (Ghotaru) | 69. Naiya Tala         |
| 25. Dhaluwali         | 70. Merau              |
| 26. Perao             | 71. Nenau              |
| 27. Ganesia Kot       | 72. Nichuwali          |
| 28. Gajau             | 73. Pananwali          |
| 29. Geraja            | 74. Perau              |
| 30. Harda             | 75. Phulwalai          |
| 31. Harnau            | 76. Phadanwali         |
| 32. Hakra             | 77. Ratau              |
| 33. Hothla            | 78. Rablau (Rayarwala) |
| 34. Induwali          | 79. Rablau Phakironwal |
| 35. Jasiya            | 80. Telno              |
| 36. Janiya            | 81. Shahgarh           |
| 37. Jamalwali         | 82. Sunwar             |
| 38. Jabhau            | 83. Sanger             |
| 39. Kangur            | 84. Sabara             |
| 40. Phalau            | 85. Somdau             |
| 41. Karanwali         | 86. Soma               |
| 42. Kiranwali         | 87. Sadrau             |
| 43. Phuiphatu         | 88. Tharohi            |
| 44. Kudau             | 89. Thuhar             |
| 45. Kurawali          | 90. Kulla              |

- |                          |                       |
|--------------------------|-----------------------|
| 91. Tusnewala            | 105. Pichau           |
| 92. Jhamrau              | 106. Biohhiyar        |
| 93. Bhandra              | 107. Piroi Jivanki    |
| 94. Jhalariya            | 108. Methai Rajrowali |
| 95. Jhandakhara          | 109. Bacchachhor      |
| 96. Jhandamitha          | 110. Bagnau           |
| 97. Mithrau Mochiyonwala | 111. Babuwali         |
| 98. Akanwala             | 112. Minda Khara      |
| 99. Adkiya               | 113. Minda Desawala   |
| 100. Asuda               | 114. Miada Manglia    |
| 101. Babuwali            | 115. Bhun             |
| 102. Vasan               | 116. Chakrau          |
| 103. Bandho              | 117. Chandrau         |
| 104. Biradi              |                       |

(District Jodhpur)

Tehsil Phalodi

- |            |         |
|------------|---------|
| 1. Kanasar | 3. Baru |
| 2. Bhuraj  |         |

By Order of the Governor,

Z. S. JHALA,

Secretary to the Government.

Published in *Raj. Raj-patra* part IV (c) dated December 10, 1959 at page 573  
Irrigation, Colonisation and Mandies Department

### NOTIFICATION

Jaipur, April, 15, 1959.

*No. F. 6 (12) Rev/B/58-II/Iry.*—In exercise of the powers conferred by sections 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954), the State Government is pleased to order that for the purpose of trying and hearing all suits or appeals arising in a colony under the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act XV of 1956), the following officers of the Colonisation Department Rajasthan Canal Project, shall have all the powers of Revenue Courts and Officers as indicated against each:—

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S. No.	Designation of officer in Colonisation Department Rajasthan Canal Project who shall exercise powers of Revenue officers and courts	Name of officer in Revenue Department and their courts
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- |                                    |  |
|------------------------------------|--|
| 1. Colony Tehsildar                | Tehsildar.                                       |
| 2. Deputy Director of Colonisation | Asstt. Collector<br>a Sub-Divisional<br>Officer. |
| 3. Director of Colonisation        | Collector or Land<br>Record Officer.             |

By Order of the Governor,

Z. S. JHALA,

Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated September 17, 1959 at page 620.*

### Irrigation Department

### NOTIFICATION

Jaipur, July 28, 1959.

No. D. 6735/P. 6 (557) Rev./B/57 Pt-III.--In pursuance of clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the State Government hereby, further applies the provisions of the said Act to the following village of Distt. Chittorgarh namely:—

S. No.	Name of Distt.	Name of project	Name of villages
1.	Chittorgarh	Gambhiri	Nagri Surjana Jai Lal ji-ka-Khera Jafarkhera Achora Samelpura
		Soniyana	Salaria Saran

By Order of the Governor,

GOVERDHAN SINGH,

Secretary to the Government.

*Notifications under*

## **The Rajasthan Colonisation Act, 1954**

*Published in Raj. Raj-patra part I (b) dated August 10, 1961 at page 172 .*

*Jaipur, July 27, 1961.*

**No. F. 7 (185) Irg./60** In exercise of the powers conferred by clause (ii) of section (2) of the Rajasthan Colonisation Act, 1954 (27 of 1954), the State Government hereby orders that the provisions of the said Act shall apply forthwith to the area commanded by Bisalpur Project, Tonk District.

By Order of the Governor,  
**M. P. SHUKLA,**  
Deputy Secretary to the Government.

*Published in Raj. Raj-patra part I (b) dated September 21, 1961, at page 225 :*

**Rajasthan Canal Project**

**Department**

### **NOTIFICATION**

*Jaipur, August 31, 1961.*

**No. F. 7 (83) Irg/59/RCPD/61.**—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954), the State Government hereby orders that the provisions of the said Act shall apply to village Birkali of Tehsil Nohar in District Ganganagar.

By Order of the Governor,  
**M. U MENON,**  
Additional Chief Secretary to Government.

*Published in Raj. Raj-patra part I (b) dated October 5, 1961 at page 233 :*

**Irrigation Department**

### **NOTIFICATION**

*Jaipur, September 19, 1961.*

**No. F. 7 (185) Irg./60.**—In pursuance of clause (ii) of Section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the State Government hereby orders that the provisions of the said Act shall apply forthwith to the area commanded by the following Projects of Tonk District:—

**Mashi, Galwa, Daulat Sagar and Gulwanai.**

By Order of the Governor,  
**M. P. SHUKLA,**  
Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated April 26 1962 at page 98 :*

Rajasthan Canal Project Department

### NOTIFICATION

*Jaipur, February 7, 1962.*

No. F 4 (2) ROPD/61-1.—In pursuance of clause (i) of section 2 of the Rajasthan Colonisation Act, 1954 Act No. XXVII of 1954), and in supersession of Irrigation, Colonisation & Mandies Department Notification No. F. 6 (552) Rev/B/Irg/57 dated the 3rd Sept., 1958, the State Government hereby appoints the Deputy Colonisation Commissioner, Rajasthan Canal Project, Bikaner, to perform all the functions and exercise all the powers of the Collector under the said Act.

*Jaipur, February 7, 1962*

No. F. 4 (2) RCPD/61-III.—In exercise of the powers conferred by section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and in supersession of all previous orders and notifications, the State Government hereby invests the different grades of officers of the Colonisation Department, Rajasthan Canal Project, mentioned in column 1 of the Table hereto annexed, with the powers respectively of the different grades of officers of the Revenue Department mentioned in column 2 of the said Table, for the purpose of exercising within the local limits of their respective jurisdiction such powers in relation to matters under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), arising in the colonies within the Rajasthan Canal Project area.

### THE TABLE REFERRED TO ABOVE

Officers of the Colonisation Department.	Officers of the Revenue Department.
(1)	(2)
1. Deputy Colonisation Commissioner, Rajasthan Canal Project.	Collector and Additional Land Records Officer.

*Published in Raj. Raj-patra part, IV (c) January 11, 1962 at page 563 :*

Irrigation Department

### NOTIFICATION

*Jaipur, December 23, 1961.*

No. F. 17 (23) Irg./61.—In exercise of the powers conferred by clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954, (Act No. XXVII of 1954), the State Government hereby orders that the provisions of the said Act shall apply to the area within the limits of Hanumangarh Municipality falling both at Hanumangarh Junction and Hanumangarh Town, as specified in Notification No. 97, dated 3rd July, 1944 and Notification No. 106,

dated 12th August, 1959, issued by the erstwhile Bikaner State under Bikaner Municipal Act, 1923 and the boundaries whereof are set forth in the Schedule given below:—

### SCHEDULE

#### Boundaries of Hanumangarh Junction Area.

North:—From Khasra No. 489 to 491 situated in village Rani-sar Ktunjan.

East:—From Khasra Nos. 484, 485, 487 up to killa No. 25 to square No. 109.

South:—From killa No. 1 up to killa No. 5 of square No. 103 and then from square No. 104 up to square 109.

West:—From Khasra No. 493, 495 up to 499 and killa No. 21 of square No. 35, and square No. 68 up to square No. 102 and killa Nos. 10, 11, 20 and 21 of square No. 104.

#### Boundaries of Hanumangarh Town Area.

North:—From the North-West corner of Johar Sarpalar up to North-East corner of Johar-Nathan.

East:—From South-East boundary of Hanumangarh Fort Railway Station up to the North-East corner of Nohar Nathan.

South:—From South-West corner of the Grave Yard up to the South-East boundary of Fort Hanumangarh Railway Station

West:—From North West corner of Johar Sarpasar up to the South-West corner of the Grave Yard.

By Order,  
M. P. SHUKLA,  
Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated October 25, 1962 at page 566 :*

Irrigation Department

### NOTIFICATION

*Jaipur, October 12, 1962.*

No. F. 7 (10) RCPD/61.—In exercise of the powers conferred by section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), the State Government hereby invests the Colonisation Commissioner, Bikaner, with all the powers of a Revenue Appellate Authority, to be exercised in the Rajasthan Canal Colony Area, in respect of all suits and proceedings under the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956).

By Order of the Governor,  
P. N. BAHL,  
Deputy Secretary to Government.



*Published in Raj. Raj-patra part I (b) dated November 22, 1962, at page 156 :*  
Irrigation Department

NOTIFICATION

*Jaipur, November 1, 1962.*

No. F. 7 (244) lrg /59.—In supersession of Revenue Department Notification No. D. 12770/F. 6 (139) Rev. (A)/B/56 dated the 20th December, 1957 and subsequent Notifications, Government is pleased to reconstitute the Committee and to appoint the following in connection with the Development of Mandis for Bhakra Project Area:—

(1) Colonisation Commissioner, Bikaner.	Chairman
(2) Collector, Shri Ganganagar.	Member.
(3) Executive Engineer Mandis.	Member.
(4) Secretary Bhakra Mandi Development Board	Member. Secretary.

The Committee will have powers to:—

- (1) Select sites.
- (2) Approve plans.
- (3) Acquire Land.
- (4) Sell plots of land.

P. N. BAHL,  
*Deputy Secretary to Government*

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*Rules and Notifications under*

COMPANIES ACT, 1913. (CENTRAL ACT  
No. 7 OF 1913.)

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# Rules under Section 248 (2) of the INDIAN COMPANIES ACT, VII OF 1913

Commerce and Industries Department

## NOTIFICATION.

Jaipur, September 4, 1953.

No. 8 (1) C. and 1. (B)./52.—In exercise of the power delegated by the President of India by means of notification No. S. R. O. 761, dated the 23rd May, 1951 (Ministry of Finance, Department of Economic Affairs, New Delhi) under clause (1) of Article 258 of the Constitution of India, the Government of Rajasthan is pleased to make the following rules under sub-section (2) of section 248 of the Indian Companies Act, 1913, namely:—

### Notes.

Sub-section (1) of section 248 of the Indian Companies Act requires that, Registration offices. 248 (1) For the purposes of the registration of

companies under this Act, there shall be offices at such places as the (Central Government) thinks fit, and no Company shall be registered except at an office within the State in which, by the memorandum, the registered office of the Company is declared to be established.

Sub-section (2) of the same section requires the Central Government, to appoint such Registrars and Asstt. Registrars as it thinks necessary for the registration of Companies under this Act and may make regulations with respect to their duties". The President of India has delegated this authority of Central Government to Government of Rajasthan. The State of Rajasthan has, therefore, framed these rules as required under sub-section (2) of section 248 of the Indian Companies Act, 1913.

1. The Registrar of Co-operative Societies, Rajasthan, Jaipur for the time being, shall be the Registrar of Joint Stock Companies for Rajasthan. He will be assisted by such number of Assistant Registrars of Joint Stock Companies as may be appointed for the purpose.

The Registrar, Co-operative Societies, Rajasthan to be Registrar.

2. The Office of the Registrar shall be at Jaipur and shall be open for business during such office hours as may be fixed by the Government of Rajasthan from time to time except on days declared as public holidays.

Business hours.

3. The Registrar shall maintain a book, entitled the "Register of Companies" (hereinafter called the "Register") in which the following particulars shall be entered, a separate page being assigned to each company:—

Register of companies.

- (a) Name of the Company.
- (b) Whether a public or private Company.
- (c) Whether limited by shares or guarantee or unlimited.
- (d) Nominal capital, or (in case of a company not having a divided capital) number of members.
- (e) Situation of registered office.
- (f) Date of registration
- (g) Act under which registered.
- (h) Serial number of document filed.
- (i) Description of document filed.
- (j) By whom filed.
- (k) When and to whom certificate granted.

Each entry to be made in a separate line at the top of the page.

To form the headings of columns.

The entries in this register shall include the record of registration of the following documents:—

- (1) Prospectus or statement in lieu of prospectus.
- (2) Memorandum of Association.
- (3) Articles of Association.
- (4) Statutory report.
- (5) Return of allotments
- (6) Annual list of shareholders and summary of share capital.
- (7) Balance sheet.
- (8) Special and extraordinary resolutions.
- (9) All other documents filed or facts recorded, under the provisions of the Indian Companies Act, 1913 (hereinafter called "the Act")

Notice of facts to be recorded shall be printed or type written and may be sent to the Registrar through the post in registered covers or delivered to him or left at his office during business hours, but no fact shall be recorded on a mere verbal notice.

4. If any Memorandum of Association or other documents be delivered to the Registrar for registration or record, and if it be found to be incomplete or defective in any of the particulars required by law, the Registrar shall return it for rectification; and he shall not register or file it until all the requirements of the law have been complied with.

Defective documents.

5. It shall be the duty of the Registrar to see that all returns and documents required

Returns.

by the Act, to be furnished to him are duly and punctually received in his office

6. There shall be endorsed on every document recorded in the register the following particulars:—

- (a) A serial number (there being a separate series for each company) corresponding to the entry in column (h) of the register.
- (b) The name of the company to which the document relates.
- (c) A brief description of the document, corresponding to the entry in column (i) of the register.
- (d) The date of registration and the Act under which registered.

This endorsement shall be signed by the Registrar and sealed with the seal on his office. Registered documents shall be filed in bundles and arranged in the order of their endorsed numbers, there being a separate bundle for each company.

7. Subject to the payment of the fees prescribed in rule 11, the register and all documents recorded therein shall be available for public inspection during business hours; such inspection shall take place in the presence of the Registrar or some person appointed by him in that behalf, and subject as aforesaid, any person requiring a copy or extract of any document recorded in the register shall be furnished with such copy or extract, certified by the Registrar to be true, and sealed with the seal of his office.

Inspection of records.

8. The certificate of incorporation, required by section 23 of the Act, to be given to a company on the registration of its Memorandum of Association, shall be in the following form, and shall be signed by the Registrar and sealed with the seal of his office.

Certificate of incorporation at the time of registration.

#### Notes

Sub-section (1) of section 23 provides that,

23 (1) On the registration of the memorandum of a Company, the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the Company is limited.

This rule prescribes a form of certificate of incorporation as required under section 23 of the Act.

IN THE OFFICE OF THE REGISTRAR OF JOINT STOCK  
COMPANIES, RAJASTHAN, JAIPUR.

CERTIFICATE OF INCORPORATION.

No... ..of 195—195 .

I hereby certify that pursuant to the provisions of Act, VII of 1913, the Memorandum of Association of the.....  
has this day, been filed and registered and that the said Company has been Incorporated as a Company limited by shares (or as the case may be) under the above Act.

Given under my hand and seal at.....this .....  
day of.....one Thousand Nine Hundred and.....  
Fee Rs.....

SEAL.

*Registrar, Joint Stock Companies,  
Rajasthan, Jaipur.*

9. Subject to the payment of the fee prescribed in rule 11, a certificate of incorporation (other than the certificate required to be given to a company on the registration of its Memorandum of Association) may be given to any person requiring it under the provisions of section 248, clause (5) of the Act; and such certificate shall be in the form prescribed in rule 8 except that the actual date of registration of the Memorandum of Association will be substituted for the words 'this day' and it shall be signed and sealed in the manner prescribed by that rule. Certificates other than certificate of incorporation.

10. (a) On filing and registering any document other than the Memorandum of Association, the Registrar shall furnish the company concerned with a certificate in the following form, sealed and signed in the manner prescribed in Rule 8 :— Certificate of registration of documents.

IN THE OFFICE OF THE REGISTRAR, JOINT STOCK  
COMPANIES, RAJASTHAN, JAIPUR.

In the matter of... ..I hereby certify that the under-mentioned documents have this day been duly filed and registered pursuant to the provisions of Indian Companies Act, 1913.

.....

.....

Given under my hand and seal this.....day of.....  
.....One Thousand Nine Hundred and.....Fee  
Rs.....

SEAL

SIGNATURE.

(b) The certificate of registration in respect of a Mortgage or charge registered in pursuance of section 109 of the Indian Companies Act, 1913, shall be issued in the following forms :—

Certificate Of Registration of Mortgage Etc.  
(Under Section 114 of the Indian Companies Act, 1913)

Re: Mortgage/Charge dated..... made between.

AND

of the one part

of the other part.

Pursuant to the provisions contained in section 114 of the above named Act, I hereby certify that the above Mortgage/Charge for Rs ..... (in words) only has been registered in this office in accordance with the provisions contained in that behalf in sections 109 to 112 of the said Act.

Given under my hand at Jaipur this ..... day  
of..... One thousand Nine Hundred and Fifty .....

Registrar, Joint Stock Companies,  
Rajasthan, Jaipur.

11. The following fees shall be levied under FEES.  
the provisions of section 248, clause (5) of the  
Act :—

- |  |   |
|--|---|
| (a) For each inspection under rule 7.                | One rupee.  |
| (b) For certified copies and extracts under rule 7.  | Six annas for each hundred words or part thereof. |
| (c) For a certificate of incorporation under rule 9. | Three rupees                                      |

But no fees beyond those prescribed in table B, First Schedule of the Act shall be levied from companies for the grant of certificates under rules 8 and 10.

Fees payable under the Act or these rules by a company or person may be credited into the local treasury and the treasury receipt presented or transmitted to the Registrar's Office in token of such payment.

Fees may also be paid directly to the Registrar at his office, by money order.

12. The Registrar shall keep a book called the Fees Book in which shall be entered, day by day all fees realised under the act and these rules.

13. The registrar shall institute such enquiries and investigations at the offices of registered companies, or otherwise, shall be necessary to obtain information or evidence respecting defaults or respecting any infractions of the law, made by such companies in complying with any of the provisions of the Act.

Fees Book.

Enquiries etc. at registered office and elsewhere.

14. Whenever any case of non-complication with the provisions of the Act comes to the knowledge of the Registrar, he may, in his discretion, report the matter, if necessary with suggestions as to the action to be taken to the Magistrate of the District in which the registered office of the company is situate with a view to enable the latter to take necessary steps for the recovery of the prescribed penalties. The Registrar or a person authorised by him in writing in this behalf either generally or for the purpose of the particular case, may also institute and conduct any prosecution under the Act.

Institutions of  
prosecutions.

15. The Registrar may assign any of the duties prescribed under these rules, except those prescribed under the last preceding rule, to an Assistant Registrar and may assign the office work to an Assistant Registrar, Clerks and servants in such manner as he may think fit

Assistant  
Registrar.

16. The Registrar may prescribe such other subsidiary registrars as may from time to time appear necessary.

17. The Registrar shall furnish to the State Government at the close of each official year a report on the working of his office, which shall contain such particulars as may from time to time be prescribed.

Annual Report.

By Order of  
His Highness the Rajpramukh,  
G. L. MEHTA,  
*Secretary to the Government.*



# NOTIFICATIONS UNDER INDIAN COMPANIES ACT, 1913

*Published in Raj. Raj-patra Vol. 1 No. 45 Dated 19-8-50 part I at page 359 :*

Judicial Department.

## NOTIFICATIONS.

Jaipur, August 9, 1950.

No. F-1 (28) Jud./50.—In exercise of the powers conferred by the proviso to sub-section (1) of section 3 of the Indian Companies Act, 1913, as adapted to Rajasthan, the Government of Rajasthan is pleased to empower the District Courts (District Judges) in Rajasthan to exercise all the jurisdiction conferred by the said Act, upon the Court.

*Published in Raj. Raj-patra Vol. 2 part I at page 344 :*

Jaipur, August 7, 1950

No. F. (24) C.I.B/50.—In exercise of the power conferred by sub-section (2) of section 248 of the Indian Companies Act, 1913, as adapted to Rajasthan by the Rajasthan Adaptation of Central Laws Ordinance, 1950, the Government of Rajasthan is pleased to appoint, ex-officio, the Registrar, Co-operative Societies, Rajasthan, Jaipur, as the Registrar of Joint Stock Companies, for Rajasthan for the registration of companies under the said Act.

In exercise of powers conferred by sub-section (1) of said Act, the Government of Rajasthan is further pleased to order that the office of the said Registrar for the purposes of registration of companies under the said Act shall be at Jaipur.

By Order of

His Highness, the Raj Pramukh,

R. N. DEY,

Secretary to the Government of Rajasthan,  
Commerce & Industries Department

Jaipur, August 7, 1950.

No. F. 24. (24) C.I.B. 50.—In exercise of the power conferred by sub-section (2) of section 248 of the Indian Companies Act, 1913 as adapted to Rajasthan by the Rajasthan Adaptation of Central Laws Ordinance, 1950 the Government of Rajasthan is pleased to appoint Shri Sita Ram Vaish as Assistant Registrar, Joint Stock Companies for Rajasthan for the registration of companies under the said Act.

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*Rules and Notifications under*  
CONSTITUTION OF INDIA.

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# The Rajasthan Legislative Assembly-Rules of Procedure and Conduct of Business.

Rajasthan Legislative Assembly

## NOTIFICATION

Jaipur, May 27, 1959.

No. 130/LA/9.—The following Rules of Procedure and Conduct of Business made by the Rajasthan Legislative Assembly in pursuance of the provisions of Article 208 (1) of the Constitution of India, are hereby published for general information:—

## CHAPTER I

### Short title and definitions

1. *Short title.*—These rules may be called “the Rules of Procedure and Conduct of Business in the Rajasthan Legislative Assembly.”

### Notes.

These rules have been framed in pursuance of Article 208 (1) of the Constitution of India which requires that a House of the Legislature of a State may make rules for regulating, subject to the provisions of the Constitution, its procedure and the Conduct of its business.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

“Assembly” means the Legislative Assembly of Rajasthan;

“Bulletin” means the Bulletin of the House containing (a) a brief record of the proceedings of the House at each of its sittings; (b) information on any matter relating to or connected with the business of the House or other matter which in the opinion of the Speaker may be included therein; and (c) information regarding Committees;

“Clear days” includes Sundays and holidays but does not include the day of the meeting and the day of the receipt of notice by the Secretary;

“Committee” means any Committee which is appointed by the House or nominated by the Speaker and which works under the direction of the Speaker and presents its report to the House or to the Speaker;

“Constitution” means the Constitution of India;

“Finance Minister” includes any Minister;

“Gazette” means the Official Gazette;

“Government business” includes all business other than private members’ business;

"Governor" means the Governor of Rajasthan;

"House" means the Rajasthan Legislative Assembly;

"Member-in-charge of the Bill" means in the case of a Government Bill any Minister and in any other case the member who has introduced the Bill;

"Member-in-charge" in the case of a resolution or motion means the member who has moved or made such resolution or motion;

"Minister" means a member of the Council of Ministers or a Deputy Minister;

"Motion" means a proposal made by a member for the consideration of the Assembly and includes a Resolution and an amendment to a motion;

"Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify;

"Private member" means a member other than a Minister;

"Secretary" means the Secretary to the Assembly and includes any person for the time being performing the duties of the Secretary;

"Sergeant-at-Arms" means any person appointed as such or any officer to whom duties of Sergeant-at-Arms under these rules and other cognate duties may be assigned under the direction of the Speaker;

"Session" means the period from the time the Assembly meets at the summons of the Governor to the time when it is prorogued by the Governor;

"State" means the State of Rajasthan;

"Substantive motion" means a self-contained proposal submitted for the approval of the Assembly and drafted in such a way as to be capable of expressing a decision of the Assembly;

"Table" means the Table of the House.

(2) Words and expressions used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

## CHAPTER II

Summons to Members, Seating, Oath or Affirmation and Roll of Members

3. *Summoning of Assembly.*—(1) When a session of the Assembly is summoned; the Secretary shall intimate to each member the time and place appointed by the Governor for the meeting of the Assembly and shall cause a notification to be issued in the Gazette.

(2) The summons under sub-rule (1) shall ordinarily be issued fourteen days before the date so fixed:

Provided that if a session is called at short notice, the Secretary shall intimate the time and place for the meeting of the Assembly to members in such other manner as the Speaker may direct.

(4) *Seating of members.*—The members shall sit in such order as the Speaker may determine.

5. *Oath or affirmation.*—A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the Commencement of a sitting of the House or at any other time for the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Secretary.

6. *Roll of Members.*—There shall be a Roll of Members of the House which shall be signed by every member in the presence of the Secretary, before taking his seat.

### CHAPTER III

#### Election of Speaker and Deputy Speaker and Penal of Chairman

7. *Election of Speaker by House.*—(1) The election of a Speaker shall be held on such date as the Governor may fix, and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary, of a motion that another member be chosen as the Speaker of the Assembly and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Speaker if elected;

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion, and shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting latter motions, declare that the member proposed in the motion which has been carried, has been chosen as the Speaker of the Assembly.

8. *Election of Deputy Speaker by House.*—(1) The election of a Deputy Speaker shall be held on such date as the Speaker may fix, and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing, addressed to the Secretary, of a motion that another member be chosen as the Deputy Speaker of the Assembly, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Speaker, if elected:

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands on the list of business may, when called, move the motion or withdraw the motion and shall confine to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved, and decided, if necessary, by division. If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Deputy Speaker of the Assembly.

9. *Panel of Chairmen.*—(1) At the commencement of the House or from time to time, as the case may be, the Speaker shall nominate from amongst the members a panel of not more than four Chairmen, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker, when so requested by the speaker or, in his absence, by the Deputy Speaker.

(2) A Chairman nominated under sub-rule (1) shall hold office until a new panel of Chairmen is nominated.

10. *Powers of Deputy Speaker or other member presiding over sittings of House.*—The Deputy Speaker or any other member competent to preside over a sitting of the House under the Constitution or these rules shall, when so presiding, have the same powers as the Speaker when so presiding and all references to the Speaker in these rules shall in these circumstances be deemed to be references to any such person so presiding.

## CHAPTER IV

### Sittings of the House.

11. *When is sitting of House duly constituted.*—A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or these rules.

12. *Sitting of House.*—(1) The House shall sit on such days as the Speaker, having regard to the state of business of the House, may from time to time direct.

(2) Sittings of the House shall, subject to the direction of the Speaker, ordinarily commence at 11.00 a.m. and conclude at 5.00 p.m.

13. *Adjournment of House.*—The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular day, or to an hour or part of the same day:

Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned *sine die*.

## CHAPTER V

### Governor's address and Messages to the House

14. *Allotment of time for discussion of the Address.*—The Speaker shall, in consultation with the Leader of the House, allot time for the discussion of the matters referred to in the Governor's address to the House under Article 176 (1) of the Constitution.

15. *Scope of discussion.*—One such day or days or part of any day, the House shall be at liberty to discuss the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member.

16. *Amendments.*—Amendments may be moved to such Motion of Thanks in such form as may be considered appropriate by the Speaker.

17. *Other business that may be taken up.*—(1) Notwithstanding that a day has been allotted for discussion on the Governor's Address—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day, and

(b) other business of a formal character may be transacted on such day before the House commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Speaker. The Speaker shall forthwith put the question, no amendment or debate being allowed.

(3) The discussion on the Address shall be interrupted in the course of a sitting by an adjournment motion under rule 55.

18. *Government's right of reply.*—The Chief Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Speaker may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

19. *Time limit for speeches*—The Speaker may, if he thinks fit, prescribe a time limit for speeches after taking the sense of the House.

20. *Governor's Address under Article 175 (1)*—The Speaker may allot time for the discussion of the matters referred to in the Governor's Address under Article 175 (1) of the Constitution.

21. *Messages from Governor.*—Where a message from the Governor for the House under Article 175 (2) of the Constitution is received by the Speaker, he shall read the message to the House

and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Speaker shall be empowered to suspend or vary the rules to such extent as may be necessary.

## CHAPTER VI

### Arrangement of Business and List of business

#### (a) Arrangement of Business.

22 *Arrangement of Government business.*—On days allotted for the transaction of Government business, such business shall have precedence and the Secretary shall arrange that business in such order as the Speaker may, after consultation with the Leader of the House, determine:

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation.

23. *Allotment of time for private member's business.*—The Speaker may, after considering the State of business of the House, allot as many days as may be possible for private members' business, and may allot different days for the disposal of different classes of such business, and on days so allotted for any particular class of business, business of that class shall have precedence:

Provided that two days in a month shall be allotted for the transaction of private members' business, subject to such variations as the Speaker may consider necessary or convenient.

24. *Precedence of private members' Bills.*—(1) On a day allotted for the disposal of private members' Bills, such Bills shall have relative precedence in the following order, namely:—

- (a) Bills in respect of which the motion is that leave be granted to introduce the Bill;
- (b) Bills returned by the Governor with a message under Article 200 of the Constitution;
- (c) Bills in respect of which the next stage is that the Bill be passed;
- (d) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (e) Bills in respect of which the report of a Select Committee has been presented;
- (f) Bills which have been circulated for the purpose of eliciting opinion thereon;
- (g) Bills introduced and in respect of which no further motion has been made or carried;
- (h) Other Bills.

(2) The relative precedence of Bills falling under the same clause of sub-rule (1) shall be determined by ballot to be held in



accordance with the orders made by the Speaker and on such day and in such as the Speaker may direct:

Provided that the motion in respect of Bills falling under clause (a) of sub-rule (1) shall be entered in the list of business in the order in which notices of such motions have been received in point of time.

(3) The Speaker may, by special order to be announced in the House, make such variations in the relative precedence of Bills set out in sub rule (1) as he may consider necessary or convenient.

25. *Precedence of private members' resolutions.*—The relative precedence of resolutions, notices of which have been given by private members, shall be determined by ballot, to be held in accordance with the orders made by the Speaker, on such day as the Speaker may direct:

26. *Business outstanding at end of day.*—Private members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day.

Provided that notwithstanding anything contained in rules 24 and 25, any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day.

27. *Resumption of adjourned debate on private member's Bill or resolution.*—(1) When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private members' business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot.

(2) When the debate on a private member's Bill or resolution is adjourned *sine die*, the member in charge of the Bill or the mover of the resolution, as the case may be, may, if he wishes to proceed with such Bill or resolution, on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate, and on receipt of such notice the relative precedence of such Bill or resolution shall be determined by ballot.

#### (b) List of Business

28. *List of business.*—(1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the permission of the Speaker.

(3) Save as otherwise provided in these rules, no business requiring notice shall be set down for a day earlier than the day

after that on which the period of the notice necessary for that class of business expires.

(4) Unless the Speaker otherwise directs, not more than five resolutions (in addition to any resolution which is outstanding under the proviso to rule 26) shall be set down in the list of business for any day allotted for the disposal of private members' resolutions.

*(For rules relating to Business Advisory Committee, see Chapter XXIV of these rules).*

## CHAPTER VII

### Questions and Short Notice Questions

#### (a) Questions

29. *Time for questions.*—Unless the Speaker otherwise directs the first hour of every sitting shall be available for the asking and answering of questions.

30. *Notice of questions*—Unless the Speaker otherwise directs, not less than fifteen clear days' notice of a question shall be given.

31. *Form of notice of questions.*—Notice of a question shall be given in writing to the Secretary and shall specify—

(a) the official designation of the Minister to whom it is addressed; and

(b) the date on which the question is proposed to be placed on the list of questions for answer.

32. *Questions for oral answers to be distinguished by asterisks.*—A member who desires an oral answer to his question shall distinguish it by an asterisk. If he does not distinguish it by an asterisk, the question shall be printed on the list of questions for written answer.

33. *Members entitled to oral answers to six questions on a day.*—Not more than six questions distinguished by asterisks by the same member shall be placed on the list of questions for oral answers on any one day. Questions in excess of six shall be placed on the list of questions for written answers.

34. *Allotment of days for oral answers to questions.*—The time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments as the speaker may, from time to time, provide, and on each such day, unless the Speaker with the consent of the Minister concerned otherwise directs, only questions relating to the department or departments for which time has been allotted on that day shall be placed on the list of questions for oral answer.

35. *Written answers to questions not replied orally.*—If any question placed on the list of questions for oral answers on any day is not called for answer within the time available for answering

questions on that day, the Minister to whom the question is addressed shall forthwith lay on the Table of the House a written reply to the question, and no oral reply shall be required to such questions and no supplementary questions shall be asked in respect thereof.

36. *Questions to private members.*—A question may be addressed to a private member provided the subject matter of the question relates to some Bill, resolution or other matter connected with the business of the House for which that member is responsible; and the procedure in regard to such questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Speaker may consider necessary or convenient.

37. *Conditions of admissibility of questions.*—(1) Subject to the provisions of sub-rule (2), a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.

(2) The right to ask a question is governed by the following conditions, namely:—

- (i) it shall not relate to a matter with which a Minister is not officially connected;
- (ii) it shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (v) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (vi) it shall not ask as to the character or conduct of any person except in his official or public capacity, or reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (vii) it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India;
- (viii) it shall not be of excessive length;
- (ix) it shall not ask for information set forth in accessible documents or in ordinary works of reference;
- (x) it shall not raise questions of policy too large to be dealt with within the limits of an answer to a question;
- (xi) it shall not amount in substance to a suggestion or request for any particular action but it may ask for a statement of the intentions of Government in respect of a matter on which a question may be asked;

- (xii) it shall not relate to a matter which is not primarily the concern of the State Government;
- (xiii) it shall not raise matters under the control of bodies or persons not primarily responsible to the State Government;
- (xiv) it shall not make or imply a charge of a personal character;
- (xv) it shall not ask about proceedings in a Committee which have not been placed before the House by a report from the Committee;
- (xvi) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xvii) it shall not ask information on trivial matters;
- (xviii) it shall not ordinarily ask for information on matters of past history;
- (xix) it shall not ordinarily ask information on matters which are under consideration before a Committee; and
- (xx) it shall not ordinarily ask about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate any matter but may refer to matters concerned with procedure or subject or stage of enquiry, if it is not likely to prejudice the consideration of the matters by the tribunal or commission or court of enquiry.

33. *Speaker to decide admissibility of questions.*—(1) The Speaker shall decide whether a question, or a part thereof, is or is not admissible under these rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

(2) If a question is disallowed the Secretary shall give intimation to the member that his question has been disallowed and shall also state the reason or reasons thereof.

(3) Subject to the provisions of Rule 34, the Speaker may direct that a question be placed on the list of questions for answer on a date later than that specified by a member in his notice, if he is of the opinion that a longer period is necessary to decide whether the question is or is not admissible.

39. *Speaker to decide if a question is to be treated as starred or unstarred.*—If in the opinion of the Speaker any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Speaker may direct that such question be placed on the list of questions for written answer:

Provided that the Speaker may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after consi-

dering the same, may direct that the question be included in the list of questions for written answer.

40. *List of questions.*—Questions which have not been disallowed, shall be entered in the list of questions for the day for oral or written answer, as the case may be, in accordance with the orders of the Speaker.

41. *Order in which questions shall be called.*—Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand on the list before any other business is entered upon at the sitting:

Provided that a question not reached for oral answer may be answered after the end of the Question Hour with the permission of the Speaker, if the Minister represents to the Speaker that the question is one of special public interest to which he desires to give a reply.

42. *Answers laid on the Table.*—Lengthy answers to starred questions may, on statement by the Minister concerned, be laid on the Table without being read, but a copy in such case may be delivered to the member asking such question in advance of the answer being laid on the Table.

43. *Withdrawal or postponement of questions.*—A member may, by notice given at any time before the sitting for which his question has been placed on the list, withdraw his question or postpone it to a later day to be specified in the notice and on such later day the question shall, subject to the provisions of rule 34, be placed on the list after all questions which have not been so postponed:

Provided that a postponed question shall not be placed on the list until for clear days have expired from the day when the notice of postponement has been received by the Secretary.

44. *Mode of asking questions.*—(1) When the time for asking questions arrives, the Speaker shall call successively each member in whose name a question appears on the list of questions.

(2) The member so called shall rise in his place and, unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.

(3) If on a question being called, it is not asked or the member in whose name it stands is absent, the Speaker may, at the request of any member, direct that answer to it be given.

45. *Questions of absent members.*—When all the questions for which oral answers are desired have been called, the Speaker may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the name of another member, if so authorised by him.

46. *Supplementary questions.*—No discussion shall be permitted during the time for questions under rule 29 in respect of any question or of any answer given to a question.

(2) Any member when called by the Speaker may ask a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Speaker shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding question.

47. *Publicity of answers to questions in advance.*—Answers to questions which Ministers propose to give in the House shall not be released for publication until the answers have actually been given on the floor of the House or laid on the Table.

#### (b) Short Notice questions

48. *Short Notice questions.*—(1) A question relating to a matter of public importance may be asked with notice shorter than fifteen clear days and if the Speaker is of opinion that the question is of an urgent character, he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned agrees to reply, such questions shall be answered on a day to be indicated by him and shall be called immediately after the questions which have appeared on the list of questions for oral answer have been disposed of.

(3) If the Minister is unable to answer the question at short notice and the Speaker is of opinion that the question is of sufficient public importance to be orally answered in the House, he may direct that the question be placed as the first question on the list of questions for the day on which it would be due for answer under rule 30:

Provided that not more than one such question shall be accorded first priority on the list of any one day.

(4) Where two or more members give short notice questions on the same subject and one of the questions is accepted for answer at short notice, the names of the other members shall be bracketed with the name of the member whose question has been accepted for answer:

Provided that the Speaker may direct that all the notices be consolidated into a single notice, if in his opinion it is desirable to have a single self-contained question covering all the important points raised by members, and the Minister shall then give his reply to the consolidated question:

Provided further that in the case of a consolidated question the names of all the members concerned may be bracketed and shown against the question in the order of priority of their notice.

(5) Where a member desires an oral answer to a question at a shorter notice, he shall briefly state the reasons for asking the

question with short notice. Where no reasons have been assigned in the notice of the question, the question shall be returned to the member.

(6) The member who has given notice of the question shall be in his seat to read the question when called by the Speaker and the Minister concerned shall give a reply immediately:

Provided that when a question is shown in the names of more than one member the Speaker shall call the name of the first member or, in his absence, any other name.

(7) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Speaker may consider necessary or convenient.

## CHAPTER VIII

### Half-an-Hour Discussion

49. *Discussion on a matter of public importance arising out of answer to a question.*—(1) The Speaker shall allot half an hour for raising discussion on a matter of sufficient public importance which has been the subject of a recent question, oral or written, and the answer to which needs elucidation on a matter of fact.

(2) A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which the matter is desired to be raised, and shall shortly specify the point or points that he wishes to raise:

Provided that the notice shall be accompanied by an explanatory note stating the reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members:

Provided further that the Speaker may with the consent of the Minister concerned waive the requirement concerning the period of notice.

(3) The Speaker shall decide whether the matter is of sufficient public importance to be put down for discussion, and may not admit a notice which in his opinion, seeks to revise the policy of Government.

(4) If more than two notices have been received and admitted by the Speaker, the Secretary shall hold a ballot with a view to draw two notices and the notices shall be put down in the order in which they were received in point of time:

Provided that if any matter put down for discussion on a particular day is not disposed of on that day it shall not be set down for any other day, unless the member so desires, in which case it shall be included in the ballot for the next available day.

(5) There shall be no formal motion before the House nor voting. The member who has given notice may make a short statement and the Minister concerned shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to ask a question for the purpose of further elucidating any matter of fact:

Provided that if the member who has given notice is absent any member who has supported the notice may, with the permission of the Speaker, initiate the discussion.

## CHAPTER IX

### Motion for Adjournment on a Matter of public Importance

50. *Speaker's consent necessary to make motion.*—Subject to the provisions of these rules, a motion for an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

51. *Method of giving notice.*—Notice of an adjournment motion shall be given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the following:—

- (i) the Speaker,
- (ii) the Minister concerned, and
- (iii) the Secretary.

52. *Restriction on right to make motion.*—The right to move the adjournment of the House for the purpose of discussing a definite matter or urgent public importance shall be subject to the following restrictions, namely:

(i) not more than one such motion shall be made at the same sitting;

(ii) not more than one matter shall be discussed on the same motion.

(iii) the motion shall be restricted to a specific matter of recent occurrence;

(iv) the motion shall not revive discussion on a matter which has been discussed in the same session;

(v) the motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time;

(vi) the motion shall not raise a question of privilege;

(vii) the motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India; and



(viii) the motion shall not raise any question which under the Constitution or these rules can only be raised on a distinct motion by a notice given in writing to the Secretary.

53. *Motion for discussion on matters before tribunals, commissions etc.* No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved:

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

54. *Mode of asking for leave to move adjournment motion.*—

(1) The Speaker, if he gives consent under rule 50 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House:

Provided that where the Speaker has refused his consent under rule 50 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of motion and state the reasons for refusing consent or holding the motion as being not in order.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than one-tenth of the total number of members rise accordingly, the Speaker shall intimate that leave is granted. If less than one-tenth of the total number of members rise, the Speaker shall inform the member that he has not the leave of the House.

55. *Time for taking up the motion.*—If the leave is granted, the motion shall be taken up on the same day at such time as the Speaker may decide.

56. *Closure of Debate.*—The Speaker may, if he is satisfied that there has been adequate debate, put the question:

Provided that if the debate is not concluded within two hours from the time at which it was commenced it shall automatically terminate and no question shall be put.

57. *Time limit for Speeches.*—The Speaker shall prescribe a time limit for speeches.

## CHAPTER X

### *Legislation*

#### (a) Introduction and publication of Bills

58. *Publication before introduction.*—The Speaker may on request being made to him by the Government, order the publication

of any Bill (together with the Statement of Objects and Reasons, the memorandum regarding delegation of legislative power and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case, it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

59. *Notice of motion for leave to introduce private members' Bills*—(1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and an explanatory Statement of Objects and Reasons which shall not contain arguments:

Provided that the speaker may, if he thinks fit, revise the Statment of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction of the President or recommendation of the Governor, the member shall annex to the notice such sanction or recommendation conveyed through a Minister, and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month unless the Speaker allows the motion to be made at shorter notice.

(4) The Speaker may disallow a notice of a Bill in case the Bill does not comply with the requirement of sub-rule (2) of this rule, or rule 61 or 62.

60. *Communication of sanction of President or the recommendation of Governor*.—The order of the President or the Governor granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

61. *Financial memorandum and money clauses*.—(1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the requiring and non-recurring expenditure involved in case the Bill is passed into law.

(2) Clauses or provision in Bills involving expenditure from public funds shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Speaker may permit the member incharge of the Bill to bring such clauses to the notice of the House.

62. *Explanatory memorandum to Bills delegating legislative powers*.—A Bill involving proposals for the delegation of legislative

power shall further be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

63. *Statement in connection with Ordinances.*—(1) Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House there shall be placed before the House along with the Bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance.

(2) Whenever an Ordinance, which embodies wholly or partly or with modification the provisions of a Bill pending before the House, is promulgated a statement explaining the circumstances which has necessitated immediate legislation by Ordinance shall be laid on the Table at the commencement of the session following the promulgation of the Ordinance.

64. *Motion for leave to introduce Bill.*—If a motion for leave to introduce a Bill is opposed the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon.

65. *Publication after introduction.*—As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

#### (b) Motions after introduction of Bills.

66. *Motions after introduction.*—When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

(a) that it be taken into consideration; or

(b) that it be referred to a Select Committee of the House; or

(c) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made.

67. *Discussion of principal of Bill.*—(1) On the day on which any motion referred to in rule 66 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its provisions may be discussed generally but the details of the Bill shall not be discussed further than is necessary to explain its principles.

(2) At this stage no amendments to the Bill may be moved, but—

- (a) if the member incharge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the House or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion;
- (b) If the member incharge moves that the Bill be referred to a Select Committee of the House any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member incharge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee of the House, unless the Speaker allows a motion to be made that the Bill be taken into consideration:

Provided that if an amendment or a motion for appointment of a Select Committee has been moved under this rule, any member may move that the House give instructions to the Select Committee to which the Bill is proposed to be referred to make some particular or additional provision in the Bill and if necessary or convenient to consider and report on amendments which may be proposed to the original Act which the Bill seeks to amend.

68. *Persons by whom motions in respect of Bills may be made.*—No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member incharge of the Bill, and no motion that a Bill be referred to a Select Committee of the House or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member incharge except by way of amendment to a motion made by member incharge:

Provided that if member incharge of a Bill is unable, for reasons which the Speaker considers adequate, to move the next motion in regard to his Bill at any subsequent stage after introduction, he may authorise another member to move that particular motion with the approval of the Speaker.

*Explanation.*—Notwithstanding the provisions contained in the proviso the member who introduced the Bill shall continue to be the member incharge.

(For rules relating to Select Committees on Bills, see Chapter XXIV of these rules).

(c) Procedure after presentation of report of a Select Committee

69. *Motions that may be moved after presentation of report of Select Committee.*—(1) After the presentation of the final report of

a Select Committee of the House on a Bill, the member incharge may move—

- (a) that the Bill as reported by the Select Committee of the House be taken into consideration:

Provided that any member may object to the report being so taken into consideration if a copy of the report has not been made available for the use of members for two days before the day on which the motion is made and such objection shall prevail unless the Speaker allows the report to be taken into consideration; or

- (b) that the Bill as reported by the Select Committee of the House be re-committed to the same Select Committee or to a new Committee either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Committee to make some particular or additional provision in the Bill, or

- (c) that the Bill as reported by the Select Committee of the House be circulated or re-circulated, as the case may be, for the purpose of eliciting opinion or further opinion thereon.

(2) If the member incharge moves that the Bill as reported by the Select Committee of the House be taken into consideration, any member may move as an amendment that the Bill be re-committed or be circulated or re-circulated for the purpose of eliciting opinion or further opinion thereon.

70. *Scope of debate on report of Select Committee.*—The debate on a motion that the Bill as reported by the Select Committee of the House be taken into consideration shall be confined to consideration of the report of the Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

- (d) Amendments to clauses etc. and consideration of Bills.

71. *Notice of amendments.*—(1) If notice of amendment to a clause or schedule of the Bill has not been given one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Speaker allows the amendment to be moved:

Provided that, in the case of a Government Bill, an amendment, of which notice has been received from the member in charge, shall not lapse by reason of the fact that the member in charge has ceased to be Minister or a member and such amendment shall be printed in the name of the new member in charge of the Bill.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been received.

72. *Conditions of admissibility of amendments.*—The following conditions shall govern the admissibility of amendments to clauses or schedules of a Bill:—

(i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.

(ii) An amendment shall not be inconsistent with any previous decision of the House on the same question.

(iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

(iv) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole.

(v) The Speaker shall determine the place at which an amendment shall be moved.

(vi) The Speaker may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.

(vii) An amendment may be moved to an amendment which has already been proposed by the Speaker.

73. *Sanction or recommendation of the President or Governor to be annexed to notice of amendment*—If any member desires to move an amendment which under the Constitution cannot be moved without the previous sanction of the President or the recommendation of the Governor, as the case may be, he shall annex such sanction or recommendation conveyed through a Minister and the notice shall not be valid until this requirement is complied with:

Provided that no previous sanction of the President or the recommendation of the Governor shall be required, if an amendment seeks to—

(a) abolish or reduce the limits of the tax proposed in the Bill or amendment; or

(b) increase such tax up to the limits of an existing tax.

74. *Communication of the order of President or Governor.*—The order of the President or Governor, as the case may be, granting or withholding the sanction or recommendation to an amendment to a Bill, shall be communicated to the Secretary by the Minister concerned in writing.

75. *Selection of new clauses or amendments.*—The Speaker shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

76. *Arrangement of amendments.*—Amendments of which notice has been given shall, as far as practicable, be arranged in the list of amendments issued from time to time, in the order in which

they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notices thereof are received.

77. *Order of amendments.*—(1) Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made: "That this clause stand part of the Bill".

(2) The Speaker may, if he thinks fit, put as one question similar amendments to a clause:

Provided that if a member requests that any amendment be put separately, the Speaker shall put that amendment separately.

78. *Mode of moving amendments.*—When a motion that a Bill be taken into consideration has been carried, any member may, when called upon by the Speaker, move an amendment to the Bill of which he has previously given notice:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

79. *Withdrawal of amendments.*—An amendment moved may, by leave of the House, but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

80. *Submission of a Bill clause by clause*—Notwithstanding anything contained in these rules, the Speaker may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the House clause by clause. The Speaker may call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question: "That this clause (or, this clause as amended, as the case may be) stand part of the Bill".

81. *Postponement of clause.*—The Speaker may, if he thinks fit, postpone the consideration of a clause.

82. *Consideration of schedule.*—The Consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended in the same manner as clauses, and the consideration of new schedules shall follow the consideration of the original schedules. The question shall then be put: "That this schedule (or, that this schedule as amended, as the case may be) stand part of the Bill":

Provided that the Speaker may allow the schedule or schedules, if any, being considered before the clauses are disposed of or along with a clause or otherwise as he may think fit.

83. *Voting on group of clauses and schedules.*—The Speaker may, if he thinks fit, put as one question clauses and/or schedules, or clauses and/or schedules as amended, as the case may be, together to the vote of the House:

Provided that if a member requests that any clause or schedule or any clause or schedule as amended, as the case may be, be put separately the Speaker shall put that clause or schedule, or clause or schedule as amended, as the case may be, separately.

84. *Clause one, Enacting Formula Preamble, and Title of Bill.*—Clause one, the Enacting Formula, the Preamble, if any, and the Title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Speaker shall then put the question: "That clause one, or the Enacting Formula, or the Preamble or the Title (or, that clause one, Enacting Formula, Preamble or Title as amended, as the case may be) do stand part of the Bill".

#### (c) Passing of the Bills.

85. *Passing of Bill.*—(1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) Where a Bill has undergone amendments the motion that the Bill as amended be passed shall not be moved on the same day on which the consideration of the Bill is concluded, unless the Speaker allows the motion to be made.

(3) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

86. *Scope of Debate.*—The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

87. *Correction of patent errors.*—Where a Bill is passed by the House, the Speaker shall have power to correct patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the House.

#### (f) Adjournment of Debate on and withdrawal and Removal of Bills.

88. *Adjournment of debate on Bill.*—At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.



89. *Withdrawal of Bill.*—The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that—

- (a) the legislative proposal contained in the Bill is to be dropped; or
- (b) the Bill is to be replaced subsequently by a new Bill which substantially alters the provisions contained therein; or
- (c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions;

and if such leave is granted no further motion shall be made with reference to the Bill:

Provided that where a Bill is under consideration by a Select Committee of the House notice of any motion for the withdrawal of Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a report to the House, the motion shall be set down in the list of business.

90. *Explanatory statement by member who moves or opposes withdrawal motion*—If a motion for leave to withdraw a Bill is opposed, the Speaker may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief-explanatory statements and may thereafter, without further debate, put the question.

91. *Removal of Bill from Register of Bills*—(1) Where any of the following motions made by the member in charge under these rules in regard to a Bill is rejected by the House, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the House for the session:—

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by Select Committee of the House be taken into consideration; and
- (v) that the Bill (or, that the Bill as amended, as the case may be) be passed.

(2) A Bill pending before the House shall also be removed from the Register of Bills pending in the House in case a Bill substantially identical is passed by the House or the Bill is withdrawn under rule 89.

*Explanation.*—A Bill pending before the House shall include—

- (i) A Bill introduced in the House which does not fall within the categories of Bills mentioned in this rule or rule 92; and
- (ii) a Bill returned by the Governor with a message under Article 200 of the Constitution.

92. *Special provision for removal of private member's Bill from Register of Bills.*—A private member's Bill pending before the

House shall also be removed from the Register of Bills pending in the House in case—

- (a) the member in charge ceases to be a member of the House;
- (b) the member in charge is appointed as Minister.

(g) Authentication of Bills.

93. *Authentication of Bill.*—When a Bill is passed by the House and is in possession of the House, the Bill shall be signed in duplicate by the Speaker and presented to Governor.

(h) Reconsideration of Bills returned by the Governor.

94. *Reconsideration of Bills returned by the Governor.*—When a Bill which has been passed by the House is returned by the Governor for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the House by the Speaker, and shall be discussed and voted upon in the same manner as amendment to a Bill or in such other way as the Speaker may consider most convenient for their consideration by the House.

95. *Authentication of Bill passed again by House*—When a Bill is passed again by the House, the Bill shall be signed in duplicate by the Speaker and presented to the Governor in the following form:—

“The above Bill has been passed again by the House in pursuance of the proviso to Article 200 of the Constitution.

Dated.....19 .

Speaker:

## CHAPTER XI

### Petitions.

96. *Scope of petitions.*—Petitions may be presented or submitted to the House with the consent of the Speaker on—

- (i) a Bill which has been published under rule 58 or which has been introduced in the House;
- (ii) any matter connected with the business pending before the House; and
- (iii) any matter of general public interest provided that it is not one:—

- (a) which falls within the cognizance of a court of law having jurisdiction in any part of India or a court of enquiry or a statutory tribunal or authority or a quasi-judicial body, or a commission;
- (b) which can be raised on a substantive motion or resolution; or
- (c) for which remedy is available under the law, including rules, regulations, bye-laws made by the State Government or an authority to whom power to make such rules, regulations etc. is delegated.

97. *General form of a petition.*—(1) The general form of petition set out in the First Schedule, with such variations as the circumstances of each case require, may be used, and, if used, shall be sufficient.

(2) Every petition shall be couched in respectful, decorous and temperate language.

98. *Authentication of petition.*—The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by his signature, and if illiterate by his thumb impression.

99. *Documents not to be attached.*—Letters, affidavits or other documents shall not be attached to any petition.

100. *Countersignature.*—(1) Every petition shall, if presented by a member, be countersigned by him.

(2) A member shall not present a petition from himself.

101. *Petition to be addressed to House.*—Every petition shall be addressed to the House and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

102. *Notice of presentation.*—A member shall give advance intimation to the Secretary of his intention to present a petition.

103. *Presentation of petition.*—A petition may be presented by a member or be forwarded to the Secretary, who shall report it to the House. The report shall be made in the form set out in the second schedule. No debate shall be permitted on the presentation or the making of such report.

104. *Form of petition.*—A member presenting a petition shall confine himself to a statement in the following form:—

“Sir, I beg to present a petition signed by....petitioner (s) regarding.....”.

and no debate shall be permitted on this statement.

105. *Reference to Committee on petitions.*—Every petition shall after presentation by a member or report by the Secretary, as the case may be, stand referred to the Committee on petitions.

(For rules relating to Committee on petitions, see Chapter XXIV of these rules).

## CHAPTER XII

### Resolutions.

106. *Notice of resolution.*—A member other than a Minister who wishes to move a resolution shall give fifteen clear day's notice of his intention and shall, together with the notice, submit a text of the resolution which he wishes to move:

Provided that the Speaker may allow it to be entered in the list of business with shorter notice than fifteen days.

107. *Form of resolution.*—A resolution may be in the form of a declaration of opinion, or recommendation; or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message; or comment, urge or request an action; or call attention to a matter or situation for reconsideration by Government; or in such other form as the Speaker may consider appropriate.

108. *Subject matter of resolution.*—Subject to the provisions of these rules, a member or a Minister may move a resolution relating to a matter of general public interest.

109. *Conditions of admissibility of resolution.*—In order that a resolution may be admissible, it shall satisfy the following conditions, namely:—

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity;
- (v) it shall not relate to any matter which is not primarily the concern of the State Government;
- (vi) it shall not relate to any matter which is under adjudication by a court of law, having jurisdiction in any part of India; and
- (vii) it shall not relate to a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter:

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry, if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

110. *Speaker to decide admissibility of resolution.*—(1) The Speaker shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the procedure of the House or in contravention of these rules:

Provided that the Speaker may, in his discretion, amend the resolution in form or give the member concerned an opportunity of amending it.

(2) The Secretary shall give intimation to the member that his resolution has been admitted or admitted as amended or disallowed, as the case may be, and shall, in case the resolution has been disallowed, also state the reason or reasons thereof.

111. *Moving of resolution.*—(1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called upon, move the resolution, and shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) A member may, with the permission of the Speaker, authorise any other member, in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move it accordingly.

(3) If a member other than a Minister when called on is absent, any other member authorised by him in writing in his behalf may, with the permission of the Speaker, move the resolution standing in his name.

112. *Amendments.*—(1) After a resolution has moved, any member may, subject to the rules relating to resolution, move an amendment to the resolution.

(2) If notice of such amendment has not been given one day previous to the day on which the resolution is moved, and member may, object to the moving of the amendment, and such objection shall prevail, unless the Speaker allows the amendment to be moved.

(3) The Secretary shall, if time permits, make available to members from time to time, lists of amendments of which notices have been received.

113. *Time limit for speech.*—No speech on a resolution shall, except with the permission of the Speaker, exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Speaker may permit.

114. *Scope of discussion.*—The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

115. *Withdrawal of resolution and amendment.*—(1) A member in whose name a resolution stands on the list of business may when called upon, withdraw the resolution, and shall confine himself to a mere statement to that effect.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the House.

(3) If a resolution which has been admitted is not discussed during the session it shall be deemed to have been withdrawn.

116. *Splitting of resolution.*—When any resolution involving several points has been discussed the Speaker may divide the resolution, and put each or any point separately to the vote, as he may think fit.

117. *Repetition of resolution.*—(1) When a resolution has been moved no resolution or amendment raising substantially the

same question shall be moved within one year from the date of the moving of the earlier resolution.

(2) When a resolution has been withdrawn with the leave of the House, no resolution raising substantially the same question shall be moved during the same session.

118. *Copy of resolution passed to be sent to Minister*—A copy of every resolution which has been passed by the House shall be forwarded to the Minister concerned.

## CHAPTER XIII

### Motions

119. *Discussion on a matter of public interest*.—Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker.

120. *Notice of motion*.—Notice of a motion shall be given in writing addressed to the Secretary.

121. *Conditions of admissibility of motion*.—In order that a motion may be admissible it shall satisfy the following conditions, namely:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

122. *Speaker to decide admissibility of motion*.—The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

123. *Motion for raising discussion on matters before tribunals, commissions etc.*—No motion which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved:

Provided that the Speaker may, in his discretion, allow such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the statutory tribunal, statutory authority, commission or court of enquiry.

124. *Allotment of time and discussion of motions.*—The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion.

125. *Speaker to put question at the appointed time.*—The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the original question.

126. *Time limit for speeches.*—The Speaker may, if he thinks fit, prescribe a time limit for speeches.

## CHAPTER XIV

### Discussion on matters of urgent public importance for short duration

127. *Notice of raising discussion.*—Any member desirous of raising discussion on a matter of urgent public importance may give notice in writing to the Secretary specifying clearly and precisely the matter to be raised:

Provided that the notice shall be accompanied by an explanatory note stating reasons for raising discussion on the matter in question:

Provided further that the notice shall be supported by the signatures of at least two other members.

128. *Speaker to decide admissibility.*—If the Speaker is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary, that the matter is urgent and is of sufficient importance to be raised in the House at an early date, he may admit the notice and in consultation with the Leader of the House fix the date on which such matter may be taken up for discussion and allow such time for discussion, not exceeding two hours as he may consider appropriate in the circumstances:

Provided that if an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice.

129. *No formal motion.*—There shall be no formal motion before the House for voting. The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion.

130. *Time limit for speeches.*—The Speaker may, if he thinks fit, prescribe a time limit for the speeches.

## CHAPTER XV

Calling attention to matters of urgent public importance,

131. *Calling attention to matters of urgent public importance.*—

(1) A member may, with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.

(2) There shall be no debate on such statement at the time it is made.

(3) Not more than one such matter shall be raised at the same sitting.

(4) In the event of more than one matter being presented for the same day, priority shall be given to the matter which is, in the opinion of the Speaker, more urgent and important.

(5) The proposed matter shall be raised after the questions and before the list of business is entered upon and at no other time during the sitting of the House.

## CHAPTER XVI

Motion of No-confidence in Ministers and Statement by Minister who has resigned

132. *Motion of no-confidence in Ministers.*—(1) A motion expressing want of confidence in the Council of Ministers may be made subject to the following restrictions, namely:—

(a) leave to make the motion shall be asked for after questions and before the list of business for the day is entered upon;

(b) the member asking for leave shall, before the commencement of the sitting for that day, give to the Secretary a written notice of the motion which he proposes to make.

(2) If the Speaker is of opinion that the motion is in order, he shall read the motion to the House and shall request those members who are in favour of leave being granted to rise in their places, and if not less than one-fifth of the total number of members rise accordingly, the Speaker shall declare that leave is granted and that the motion will be taken on such day, not being more than ten days from the date on which the leave is asked for, as he may appoint. If less than one fifth of the total number of members rise, the Speaker shall inform the member that he has not the leave of the House.

(3) If leave is granted under sub-rule (2) the Speaker may, after considering the state of business in the House, allot a day or days or part of a day for the discussion of the motion.



(4) The Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to determine the decision of the House on the motion.

(5) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

133. *Statement by a Minister who has resigned.*—(1) A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in the explanation of his resignation.

(2) A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Speaker and the Leader of the House one day in advance of the day on which it is made.

(3) Such statement shall be made after the questions and before the list of business for the day is entered upon.

(4) There shall be no debate on such statement but after it has been made, a Minister may make a statement pertinent thereto.

## CHAPTER XVII

### Resolution for Removal of Speaker or Deputy Speaker from office

134. *Notice of a resolution for removal of Speaker or Deputy Speaker.*—(1) A member wishing to give notice or a resolution under clause (c) of Article 179 of the Constitution, for the removal of the Speaker or the Deputy Speaker shall do so in writing to the Secretary.

(2) On receipt of a notice under sub-rule (1) a motion for leave to move the resolution shall be entered in the list of business in the name of the member concerned, on a day fixed by the Speaker, provided that the day so fixed shall be any day after fourteen days from the date of the receipt of notice of the resolution.

135. *Leave of House to take up resolution.*—(1) Subject to the provisions of Article 181 of the Constitution, the Speaker or the Deputy Speaker or such other persons as is referred to in clause (2) of Article 180 of the Constitution shall preside when a motion under sub-rule (2) of rule 134 is taken up for consideration.

(2) The member in whose name the motion stands in the list of business shall, except when he wishes to withdraw it, move the motion when called upon to do so, but no speech shall be permitted at this stage.

(3) The Speaker or the Deputy Speaker or the person presiding, as the case may be, shall thereupon place the motion before

the House and shall request those members who are in favour of leave being granted to rise in their places. If not less than one-fifth of the total number of members rise accordingly, the Speaker or the Deputy Speaker or the person presiding, as the case may be, shall declare that leave has been granted and that the resolution will be taken up on such day, not being more than ten days from the date on which leave is asked for, as he may appoint. If less than one-fifth of the total number of members rise, the Speaker shall inform the member that he has not the leave of the House.

136. *Inclusion of resolution in the list of business.*—On the appointed day the resolution shall be included in the list of business to be taken up after the questions and before any other business for the day is entered upon.

137. *Time limit for speeches.*—Except with the permission of the Speaker or the person presiding, a speech on the resolution shall not exceed fifteen minutes in duration:

Provided that the mover of the resolution when moving the same may speak for such longer time as the Speaker or the person presiding may permit.

## CHAPTER XVIII

### Procedure in Financial Matters

#### (a) *The Budget*

138. *The Budget.*—The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the State in respect of each financial year (hereinafter referred to as "the Budget") shall be presented to the House on such day as the Governor may direct.

139. *Budget not to be discussed on presentation.*—There shall be no discussion of the Budget on the day on which it is presented to the House.

#### (b) *Demands for Grants*

140. *Demands for grants.*—(1) No demand for a grant shall be made except on the recommendation of the Governor.

(2) A separate demand shall ordinarily be made in respect of the grant proposed for each Department, provided that the Finance Minister may include in one demand grants proposed for two or more Departments or make a demand in respect of expenditure which cannot readily be classified under particular Departments.

(3) Each demand shall contain first a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items.

(4) The Budget shall be presented to the House in such form as the Finance Minister may, after considering the suggestions, if any, of the Estimates Committee, settle.

141. *Discussion of Budget.*—The Budget shall be dealt with by the Assembly in two stages, namely:—

- (i) a general discussion, and
- (ii) the voting of demands for grants.

142. *General discussion on the Budget.*—(1) On a day or days to be appointed by the Speaker subsequent to the day on which the Budget is presented and for such time, as the Speaker may allot for this purpose, the House shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the House.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

143. *Arrangement of demands.*—The demands for grants shall be arranged in such order as the Leader of the House may, after the advice of Public Accounts Committee has been taken into consideration, determine.

144. *Voting of demands for grants.*—(1) The Speaker shall, in consultation with the Leader of the House, allot so many days as may be compatible with the public interest for the discussion and voting of demands for grants.

(2) On the last day of the allotted days, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

(3) Motions may be moved to reduce any demand for grant.

(4) No amendment to motions to reduce any demand for grant shall be permissible.

(5) When several motions relating to the same demand for grant are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

145. *Cut motions.*—A motion may be moved to reduce the amount of a demand in any of the following ways:—

(a) “that the amount of the demand be reduced to Re.1/-” representing disapproval of the policy underlying the demand. Such a motion shall be known as “Disapproval of Policy Cut”. A member giving notice of such a motion shall indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specified point or points mentioned in the notice and it shall be open to members to advocate an alternative policy;

(b) “that the amount of the demand be reduced by a specified amount” representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The motion

shall be known as 'Economy Cut'. The notice shall indicate briefly and precisely the particular matter on which discussion is sought to be raised and speeches shall be confined to the discussion as to how economy can be effected;

(c) "that the amount of the demand be reduced by Rs. 100/-" in order to ventilate a specific grievance which is within the sphere of the responsibility of the Government. Such a motion shall be known as "Token Cut" and the discussion thereon shall be confined to the particular grievance specified in the motion.

146. *Conditions of admissibility of cut motions.*—In order that a notice of motion for reduction of the amount of demand may be admissible, it shall satisfy the following conditions, namely:—

(i) it shall relate to one demand only;

(ii) it shall be clearly expressed and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

(iii) it shall be confined to one specific matter which shall be stated in precise terms;

(iv) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on substantive motion;

(v) it shall not make suggestions for the amendment or repeal of existing laws;

(vi) it shall not refer to a matter which is not primarily the concern of the State Government;

(vii) it shall not relate to expenditure charged on the Consolidated Fund of the State;

(viii) it shall not relate to a matter which is under adjudication by a court of law having jurisdiction in any part of India;

(ix) it shall not raise a question of privilege;

(x) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;

(xi) it shall not anticipate a matter which has been previously appointed for consideration in the same session;

(xii) it shall not ordinarily seek to raise a discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate, any matter;

Provided that the Speaker may, in his discretion allow such matter being raised in the House as is concerned with the procedure or stage of enquiry, if the Speaker is satisfied that it is not likely to prejudice the consideration of the subject matter by the statutory tribunal, statutory authority, commission or court of enquiry; and

(xiii) it shall not relate to a trifling matter.

147. *Speaker to decide admissibility of cut motions.*—The Speaker shall decide whether a cut motion is or is not admissible

under these rules and may disallow any out motion when in his opinion it is an abuse of the right of moving out motions or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules.

148. *Notice of cut motions.*—If notice of a motion to reduce any demand for grant has not been given one day previous to the day on which the demand is under consideration, any member may object to the moving of the motion, and such objection shall prevail, unless the Speaker allows the motion to be made.

149. *Presentation of Budget in parts.*—Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the House in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget.

150. *Vote on account.*—(1) A motion for vote on account shall state the total sum required and the various amounts needed for each Department or item of expenditure which compose that sum shall be stated in a schedule appended to the motion.

(2) Amendments may be moved for the reduction of the whole grant or for the reduction or omission of the items whereof the grant is composed.

(3) Discussion of a general character may be allowed on the motion or any amendments moved thereto, but the details of the grants shall not be discussed further than is necessary to develop the general points.

(4) In other respects, a motion for vote on account shall be dealt with in the same way as if it were a demand for grant.

151. *Supplementary, additional, excess and exceptional grants and votes of credit.*—Supplementary, additional, excess and exceptional grants and votes of credit shall be regulated by the same procedure as is applicable in the case of demands for grants subject to such adaptations, whether by way of modification, addition or omission, as the Speaker may deem to be necessary or expedient.

152. *Scope of discussion on supplementary grants.*—The debate on the supplementary grants shall be confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save in so far as it may be necessary to explain or illustrate the particular items under discussion.

153. *Token grant.*—When funds to meet proposed expenditure on a new service can be made available by re-appropriation, a demand for the grant of a token sum may be submitted to the vote of the House and, if the House assents to the demand, funds may be so made available.

#### (C) Appropriation Bill.

154. *Appropriation Bill.*—(1) Subject to the provisions of the Constitution, the procedure in regard to an Appropriation Bill

shall be the same as for Bills generally with such modifications as the Speaker may consider necessary.

(2) At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved, in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches at all or any of the stages for which a day or days have been allotted under sub-rule (2).

(4) The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration.

(5) The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on an Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold permission for raising such of the points as in his opinion appear to be repetitions of the matters discussed on a demand for grant or as may not be of sufficient public importance.

(6) If an Appropriation Bill is in pursuance of supplementary grant in respect of an existing service, the discussions shall be confined to the items constituting the same, and no discussion shall be raised on the original grant nor the policy underlying it save in so far as it may be necessary to explain or illustrate a particular item under discussion.

155. *Business that can be taken up on a day allotted for financial business.*—Notwithstanding that a day has been allotted for other business under rule 142, 144 or 154, a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the House enters on the business for which the day has been allotted.

156. *Time limit for disposal of financial business.*—In addition to the powers exercisable under these rules, the Speaker may exercise all such powers as are necessary for the purpose of the timely completion of all financial business including allotment of time for the disposal of various kinds of such business, and where time is so allotted, he shall, at the appointed hour, put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which time has been allotted.

*Explanation.*—Financial business includes any business which the Speaker holds as coming within this category under the Constitution.

(For rules relating to Committees on Public Accounts and Estimates, see Chapter XXIV of these rules.)

## CHAPTER XIX

### privileges

#### (a) Questions of Privilege

157. *Question of privilege.*—A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof.

158. *Notice of question of privilege.*—A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.

159. *Conditions of admissibility of the question of privilege.*—The right to raise a question of privilege shall be governed by the following conditions, namely:—

(i) not more than one question shall be raised at the same sitting;

(ii) the question shall be restricted to a specific matter of recent occurrence;

(iii) the matter requires the intervention of the House.

160. *Mode of raising a question of privilege.*—The Speaker, if he gives consent under rule 157 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto:

Provided that where the Speaker has refused his consent under rule 157 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of sitting after the disposal of questions.

(2) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than ten members rise accordingly, the Speaker shall declare that leave is granted. If less than ten members rise, the Speaker shall inform the member that he has not the leave of the House.

160-A. *Reference of Committee of privileges.*—If leave under rule 160 is granted, the Speaker shall refer the question to a Committee of privileges for report within a period to be specified, unless he is of opinion that the matter is such as may be disposed of by the House without reference to the Committee, in which case the member making the complaint shall make a motion that the matter be taken into consideration forthwith or at some future time.

161. *Reference of questions of privilege to Committee by Speaker*—Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

162. *Powers of Speaker to give directions.*—The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee of Privileges or in the House.

*(For rules relating to Committee of Privileges, see Chapter XXIV of these rules).*

(b) Intimation to Speaker of arrest, detention etc. and release of a member.

163. *Intimation to Speaker by Magistrate of arrest, detention etc. of a member.*—When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the form set out in the Third Schedule.

164. *Intimation to Speaker on release of a member.*—When a member is arrested and after conviction released on bail pending an appeal or otherwise, released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.

165. *Treatment of communications received from Magistrate.*—As soon as may be, the Speaker shall, after he has received a communication referred to in rule 163 or rule 164, read it out in the House if in session, or if the House is not in session, direct that it may be published in the Bulletin for the information of the members:

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the House has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the House by the Speaker.



- (c) Procedure regarding service of a legal process and arrest within the precincts of the House

166. *Arrest within the precincts the House.*—No. arrest shall be made within the precincts of the House without obtaining the permission of the Speaker.

167. *Service of legal process.*—A legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

## CHAPTER XX

### Subordinate Legislation.

168. *Laying of regulation, rule etc. on the Table.*—(1) Where a regulation, rule, sub-rule, bye-law etc. framed in pursuance of the Constitution or of the legislative functions delegated by Legislative Assembly to a subordinate authority is laid before the House, the period specified in the Constitution or the relevant Act for which it is required to be laid shall be completed before the House is adjourned *sine die* and later prorogued, unless otherwise provided in the Constitution or the relevant Act.

(2) Where the specified period is not so completed, the regulation, rule, sub-rule, bye-law etc. shall be relaid in the succeeding session or sessions until the said period is completed in one session.

169. *Allotment of time for discussion of amendment.*—The Speaker shall, in consultation with the Leader of the House, fix a day or days or part of a day as he may think fit for the consideration and passing of an amendment to such regulation, rule, sub-rule, bye-law etc. of which notice may be given by a member:

Provided that notice of the amendment shall be in such form as the Speaker may consider appropriate and shall comply with these rules.

170. *Transmission of amendment.*—After an amendment is passed by the House, it shall be forwarded by the Secretary to the Minister concerned.

171. *Regulation, rule etc. as amended to be laid on the Table.*—If a regulation, rule, sub-rule, bye-law etc. is modified in accordance with the amendment passed by the House, the amended regulation, rule, sub-rule, bye-law etc. shall be laid on the Table.

(For rules relating to Committee on Subordinate Legislation, see Chapter XXIV of these rules.)

## CHAPTER XXI

### Resignation and vacation of seats in the House

172. *Resignation of seats in House.*—(1) A member who desires to resign his seat in the House shall intimate in writing under his hand addressed to the Speaker, his intention to resign his seat in the

House in the following form and shall not give any reason for his resignation:

"To

The Speaker,  
Rajasthan Legislative Assembly,  
Jaipur.

Sir,

I her by tender my resignation of my seat in the Assembly with effect from.....

Yours faithfully,

Place.....date.....Member of the House."

Provided that where any member gives any reason or introduced any extraneous matter the Speaker may, in his discretion, omit such words, phrases or matter and the same shall not be read out in the House.

(2) As soon as may be, the Speaker shall, after he has received an intimation in writing from a member under his hand resigning his seat in the House, inform the House that such and such a member has resigned his seat in the House:

Provided that when the House is not in session, the Speaker shall inform the House immediately after the House re-assembles, that such and such a member has resigned his seat in the House during the inter-session period.

(3) The Secretary shall, as soon as may be, after the Speaker has received such intimation from a member resigning his seat in the House, cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

173. *Vacation of seats in House.*—(1) The seat of a member shall be declared vacant under clause (4) of Article 190 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf

(2) If the motion referred to in sub-rule (1) is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

## CHAPTER XXII

### Leave of Absence from the Sittings of the House

174. *Application for leave of absence.*—(1) A member desiring permission of the House to remain absent from the sittings thereof under clause (4) of Article 190 of the Constitution shall make an application in writing to the Speaker.

(2) An application under sub-rule (1) shall specify the period for which leave of absence is required, indicating also the date of

commencement and of termination of such leave of absence and grounds for it:

Provided that leave of absence applied for at any one time shall not exceed a period of sixty days.

175. *Decision of the House communicated to member.*—The Secretary shall, as soon as may be, after a decision has been signified by the House on an application for leave of absence, communicate it to the member.

176. *Lapse of unexpired portion of leave if the member attends House earlier.*—If a member who has been granted leave of absence under these rules attends the session of the House during the period for which the leave of absence has been granted to him, the unexpired portion of the leave from the date of his resumed attendance shall lapse.

## CHAPTER XXIII

### Communication between the Governor and the House

177. *Communications from the Governor to House.*—Communications from the Governor to the House shall be made to the Speaker by written message signed by the Governor or, if the Governor is absent from the place of sitting of the House, his message shall be conveyed to the Speaker through a Minister.

178. *Communications from House to the Governor.*—Communications from the House to the Governor shall be made—

- (i) by formal address, after motion made and carried in the House; and
- (ii) through the Speaker.

## CHAPTER XXIV

### Committees

#### (a) General.

179. *Appointment of Committee.*—(1) The members of a Committee shall be appointed or elected by the House on a motion made, or nominated by the Speaker, as the case may be.

(2) No member shall be appointed to a Committee if he is not willing to serve on it. The proposer shall ascertain whether the member whose name is proposed by him is willing to serve on the Committee.

(3) Casual vacancies in a Committee shall be filled by appointment or election by the House on a motion made, or nomination by the Speaker, as the case may be, and any member appointed, elected or nominated to fill such vacancy shall hold office for the unexpired portion of the term for which the member in whose place he is appointed, elected or nominated would have normally held office.

180. *Term of office of Committee nominated by the Speaker.*—A Committee nominated by the Speaker shall, unless otherwise specified in the rules contained in this Chapter, hold office for the period specified by him or until a new Committee is nominated.

181. *Resignation from Committee.*—A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker.

182. *Chairman of Committee.*—(1) The Chairman of a Committee shall be appointed by the Speaker from amongst the members of the Committee:

Provided that if the Deputy Speaker is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman is for any reason unable to act, the Speaker may appoint another Chairman in his place.

(3) If the Chairman is absent from any sitting, the Committee shall choose another member to act as Chairman for that sitting.

183. *Quorum.*—(1) The quorum to constitute a sitting of a Committee shall be as near as may be, one-third of the total number of the members of the Committee.

(2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum the Chairman of the Committee shall either suspend the sitting until there is quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for sittings of the Committee, the Chairman shall report the fact to the House:

Provided that where the Committee has been appointed by the Speaker, the Chairman shall report the fact of such adjournment to the Speaker.

184. *Discharge of members absent from sittings of Committee.*—If a member is absent from two or more consecutive sittings of a Committee without the permission of the Chairman, a motion may be moved in the House for the discharge of such member from the Committee:

Provided that where the members of the Committee are nominated by the Speaker, such member may be discharged by the Speaker.

185. *Voting in Committee.*—All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

186. *Casting vote of Chairman.*—In the case of an equality of votes on any matter, the Chairman, or the person acting as such, shall have a second or casting vote.

187. *Power to appoint sub-committees.*—A Committee may appoint one or more sub-committees, each having the powers of the undivided Committee, to examine any matters that may be referred

to them, and the report of such sub-committees shall be deemed to be the reports of the whole Committee, if they are approved at a sitting, of the whole Committee.

(2) The order of reference to a sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee.

188. *Sittings of Committee.*—The sittings of Committee shall be held on such days and at such hour as the Chairman of the Committee may fix:

Provided that if the Chairman of the Committee is not readily available, the Secretary may fix the date and time of a sitting:

Provided further that in the case of Select Committee on a Bill, if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister concerned with the Bill, fix the date and time of sitting.

189. *Committee may sit whilst House is sitting.*—A Committee may sit whilst the House is sitting, provided that on a division being called in the House, the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable the members to vote in division.

190. *Sittings of Committee in private.*—The sittings of a Committee shall be held in private.

191. *Venue of sittings.*—The sittings of a Committee shall be held within the precincts of the Assembly House, and if it becomes necessary to change the place of sitting outside the Assembly House, the matter shall be referred to the Speaker whose decision shall be final.

192. *All strangers to withdraw when Committee deliberates.*—All persons other than members of the Committee and Officers of the Assembly Secretariat shall withdraw whenever the Committee is deliberating.

193. *Power to take evidence or call for documents.*—(1) A witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of a Committee.

(2) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

(3) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

194. *Power to send for persons, papers and records.*—A Committee shall have power to send for persons, papers and records:

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

195. *Counsel for a witness.*—A Committee may, under the direction of the Speaker, permit a witness to be heard by a counsel appointed by him and approved by the Committee.

196. *Evidence on oath.*—(1) A Committee may administer oath or affirmation to a witness examined before it.

(2) The form of the oath or affirmation shall be as follows: 'I, A. B., do swear in the name of God/solemnly affirm that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part in my evidence shall be false.'

197. *Procedure for examining witnesses.*—The examination of witnesses before a Committee shall be conducted as follows:—

(i) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness.

(ii) The Chairman of the Committee may first ask the witness such question or questions as he may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause (i) of this rule

(iii) The Chairman may call other members of the Committee one by one to ask any other questions.

(iv) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(v) A verbatim record of proceedings of the Committee shall, when a witness is summoned to give evidence, be kept.

(vi) The evidence tendered before the Committee may be made available to all members of the Committee.

198. *Record of decisions of Committee*—A record of the decisions of a Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman.

199. *Evidence, report, and proceedings treated as confidential.*—(1) A Committee may direct that the whole or a part of evidence or a summary thereof may be laid on the Table.

(2) No part of the evidence, oral or written, report or proceedings of a Committee which has not been laid on the Table shall be open to inspection by anyone except under the authority of the Speaker.

(3) The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table.

200. *Special Reports.*—A Committee may, if it thinks fit, make a special report on any matter that arises or comes to light of in the course of its work which it may consider necessary to bring to the notice of the Speaker or the House, notwithstanding that such matter is not directly connected with, or does not fall within or is not incidental to its terms of reference.

201. *Report of Committee.*—(1) Where the House has not fixed any time for the presentation of a report by a Committee, the report shall be presented within one month of the date on which reference to the Committee was made:

Provided that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report of the Committee shall be signed by the Chairman on behalf of the Committee.

Provided that in case the Chairman is absent or is not readily available, the Committee shall choose another member to sign the report on behalf of the Committee.

202. *Availability of report to Government before presentation.*—A Committee may, if it thinks fit, make available to Government any completed part of its report before presentation to the House. Such report shall be treated as confidential until presented to the House

203. *Presentation of Report.*—(1) The report of a Committee shall be presented to the House by the Chairman or in his absence by any member of the Committee.

(2) In presenting the report the Chairman or, in his absence the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage.

204. *Printing, publication or circulation of report prior to its presentation to House.*—The Speaker may, on a request being made to him and when the House is not in session, order the printing, publication or circulation of a report of a Committee although it has not been presented to the House. In that case the report shall be presented to the House during its next session at the first convenient opportunity.

205. *Power to make suggestions on procedure.*—A Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary.

206. *Power of committee to make detailed rules.*—A Committee may with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in the rules in this Chapter.

207. *Power of Speaker to give directions.*—(1) The Speaker may from time to time issue such directions to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organisation of its work.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman may, if he thinks fit, refer the point to the Speaker whose decision shall be final.

208. *Business before Committee not to lapse on prorogation of House.*—Any business pending before a Committee shall not lapse by reason only of the prorogation of the House and the Committee shall continue to function notwithstanding such prorogation.

209. *Unfinished work of Committee.*—A Committee which is unable to complete its work before the expiration of its term or before the dissolution of the Assembly may report to the House that the Committee has not been able to complete its work. Any preliminary report, memorandum or note that the Committee may have prepared or any evidence that the Committee may have taken shall be made available to the new Committee.

210. *Applicability of general rules to Committee.*—Except for matters for which special provision is made in the rules relating to any particular Committee, the general rules in this Chapter shall apply to all Committees; and if and so far as any provision in the special rules relating to a Committee is inconsistent with the general rules, the former rules shall prevail.

#### (b) Business Advisory Committee

211. *Constitution of Business Advisory Committee.*—At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than seven members including the Speaker who shall be the Chairman of the Committee.

212. *Functions of Committee.*—(1) It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee.

(2) The Committee shall have the power to indicate in the proposed time-table the different hours at which the various stages of the Bill or other business shall be completed.

(3) The Committee shall have such other functions as may be assigned to it by the Speaker from time to time

213. *Report of Committee.*—The recommendations of the Committee shall be presented to the House in the form of a report.

214. *Motion moved in House on the Report.*—At any time after the report has been presented to the House, a motion may be moved that the House agrees or agrees with amendments or disagrees with the report:



Provided that an amendment may be moved that the report be referred back to the Committee either without limitation or with reference to any particular matters:

Provided further that not more than half an hour shall be allotted for the discussion of the motion and no member shall speak for more than five minutes on such motion.

215. *Notification of Allocation of Time Order.*—The allocation of time in respect of Bills and other business as approved by the House shall take effect as if it were an order of the House and shall be notified in the Bulletin,

216. *Disposal of outstanding matters at the appointed hour.*—At the appointed hour, in accordance with the Allocation of Time Order for the completion of a particular stage of a Bill or other business, the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other business.

217. *Variation in the Allocation of Time Order.*—No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House:

Provided that the Speaker may, after taking the sense of the House, increase the time, not exceeding one hour, without any motion being moved.

#### (c) Select Committees on Bills

218. *Constitution of Select Committee.*—The members of a Select Committee on a Bill shall be appointed by the House when a motion that the Bill be referred to a Select Committee is made.

219. *Other members may be present at a sitting.*—Members who are not members of the Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee:

Provided that a Minister may, with the permission of the Chairman, address the Committee of which he may not be a member.

220. *Notice of amendments and procedure generally.*—(1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman allows the amendment to be moved.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable, be the same as is followed in the House during the consideration stage of a Bill, with such adaptations; whether by way of modification, addition or omission, as the Speaker may consider necessary or convenient.

221. *Notice of amendments by members other than members of Committee*—When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the

Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee, such amendment shall not be taken up by the Committee unless moved by a member of the Committee.

222. *Power of Committee to take evidence.*—A Select Committee may hear expert evidence and representatives of special interests affected by the measures before them.

223. *Report of Committee.*—(1) As soon as may be, after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 188 to consider the Bill and shall make a report thereon within the time fixed by the House:

Provided that where the House has not fixed any time for the presentation of the report by a Select Committee, the report shall be presented before the expiry of three months from the date on which the House adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the House may at any time, on a motion being made, direct that the time for the presentation of the report by the Select Committee be extended to a date specified in the motion.

(2) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(3) Where a Bill has been altered the Select Committee may, if they think fit, include in their report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

(4) Any member of the Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report.

(5) A minute of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Select Committee nor cast aspersion on the Committee.

(6) If in the opinion of the Speaker a minute of dissent contains words, phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute of dissent.

224. *Presentation of report.*—The report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the House by the Chairman or in his absence by any member of the Committee.

225. *Printing and publication of reports.*—The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every

member of the House. The report, and the Bill, as reported by the Select Committee, shall be published in the Gazette.

(d) Committee on petitions

226. *Constitution of Committee on Petitions.*—At the commencement of the House, or from time to time, as the case may be, the Speaker shall nominate a Committee on Petitions consisting of not less than five members:

Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee, is appointed as Minister he shall cease to be a member of the Committee from the date of such appointment.

227. *Functions of Committee.*—(1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may direct that it be circulated. Where circulation of the petition has not been directed, the Speaker may at any time direct that the petition be circulated.

(2) Circulation of the petition shall be *in extenso* or in summary form as the Committee or the Speaker, as the case may be, may direct.

(3) It shall also be the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

(e) Committee on Public Accounts

228. *Functions of Committee on Public Accounts.*—(1) There shall be a Committee on Public Accounts for the examination of accounts showing the appropriation of sums granted by the House for the expenditure of the State, the annual finance accounts of the State and such other accounts laid before the House as the Committee may think fit.

(2) In scrutinizing the Appropriation Accounts of the State and the Report of the Comptroller and Auditor-General thereon, it shall be the duty of the Committee to satisfy itself—

- (a) that the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged;
  - (b) that the expenditure conforms to the authority which governs it; and
  - (c) that every re-appropriation has been made in accordance with the provisions made in this behalf under rules framed by competent authority.
- (3) It shall also be the duty of the Committee—

- (a) to examine the statement of accounts showing the income and expenditure of State corporations, trading and manufacturing schemes, concerns and projects together with the balance sheets and statements of profit and loss accounts which the Governor may have required to be prepared or are prepared under the provisions of the statutory rules regulating the financing of a particular corporation, trading or manufacturing scheme or concern or project and the report of the Comptroller and Auditor-General thereon;
- (b) to examine the statement of accounts showing the income and expenditure of autonomous and semi-autonomous bodies the audit of which may be conducted by the Comptroller and Auditor-General of India either under the directions of the Governor or by a Statute of Legislature; and
- (c) to consider the report of the Comptroller and Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stocks.

(4) If any money has been spent on any service during a financial year in excess of the amount granted by the House for that purpose, the Committee shall examine with reference to the facts of each case the circumstances leading to such an excess and make such recommendation as it may deem fit.

229. *Constitution of Committee.*—(1) The Committee shall consist of not more than ten members, who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of the single transferable vote:

Provided that a Minister shall not be elected a member of the Committee, and that if a member, after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.

(2) The term of office of members of the Committee shall not exceed one year.

(f) *Committee on Estimates*

230. *Functions of Committee on Estimates.*—There shall be a Committee on Estimates for the examination of such of the estimates as may seem fit to the Committee or are specifically referred to it by the House or the Speaker. The functions of the Committee shall be —

- (a) to report what economies, improvements in organisation, efficiency or administrative reform, consistent with the policy underlying the estimates, may be effected;
- (b) to suggest alternative policies in order to bring about efficiency and economy in administration;
- (c) to examine whether the money is well laid out within the limits of the policy implied in the estimates; and

(d) to suggest the form in which the estimates shall be presented to the Assembly.

231. *Constitution of Committee.*—(1) The Committee shall consist of not more than fifteen members who shall be elected by the House every year from amongst its members according to the principle of proportional representation by means of single transferable vote:

Provided that a Minister shall not be elected a member of the Committee, and if a member after his election to the Committee, is appointed a Minister he shall cease to be a member of the Committee from the date of such appointment.

(2) The term of office of members of the committee shall not exceed one year.

232. *Examination of estimates by Committee.*—The Committee may continue the examination of the estimates from time to time throughout the financial year and report to the House as its examination proceeds. It shall not be incumbent on the Committee to examine the entire estimates of any one year. The demands for grants may be finally voted notwithstanding the fact that the Committee has made no report.

#### (g) Committee of Privileges.

233. *Constitution of Committee.*—At the commencement of the House or from time to time, as the case may be, the Speaker shall nominate a Committee of Privileges consisting of not more than ten members.

234. *Examination of question by Committee.*—(1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

(2) The report may also state the procedure to be followed by the House in giving effect to the recommendation made by the Committee.

235 *Consideration of report*—(1) After the report has been presented, the Chairman or any member of the Committee or any other member may move that the report be taken into consideration whereupon the Speaker may put the question to the House.

(2) Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the House.

(3) After the motion made under sub rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees or disagrees or

agrees with amendments, with the recommendations contained in the report.

236. *Priority for consideration.*—A motion that the report of the Committee be taken into consideration shall be accorded the priority assigned to a matter of privilege under sub-rule (1) of rule 160, unless there has been undue delay in bringing it forward:

Provided that when a date has already been fixed for the consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.

#### (h) Committee on Subordinate Legislation

237. *Functions of Committee on Subordinate Legislation.*—There shall be a Committee on Subordinate Legislation to scrutinize and report to the House whether the powers to make regulations, rules, sub-rules, bye-laws, etc. conferred by the Constitution or delegated by the Assembly are being properly exercised within such delegation.

238. *Constitution of Committee.*—The Committee shall consist of not more than ten members who shall be nominated by the Speaker:

Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee is appointed a Minister he shall cease to be a member of the Committee from date of such appointment.

(2) The term of office of members of the Committee shall not exceed one year.

239. *Numbering and publication of Orders.*—Each regulation, rule, sub-rule, bye-law etc. framed in pursuance of the provisions of the Constitution or the legislative functions delegated by Assembly to a subordinate authority, and which is required to be laid before the House, hereinafter referred to as "Order", shall, subject to such rules as the Speaker may in consultation with the Leader of the House prescribe, be numbered centrally and published in the Gazette immediately after it is promulgated.

240. *Duties of Committee.*—After each such Order referred to in rule 239 is laid before the House, the Committee shall, in particular, consider—

(i) whether it is in accord with the general objects of the Constitution or the Act pursuant to which it is made;

(ii) whether it contains matter which in the opinion of the Committee should more properly be dealt with in an Act of the State Legislature;

(iii) whether it contains imposition of any tax;

(iv) whether it directly or indirectly bars the jurisdiction of the courts;

(v) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;

(vi) whether it involves expenditure from the Consolidated Fund of the State or the public revenues;

(vii) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;

(viii) whether there appears to have been unjustifiable delay in its publication or in laying it before the State Legislature;

(ix) whether for any reason its form or purport calls for any elucidation.

**241. Report of Committee.**—(1) If the Committee is of opinion that any Order should be annulled wholly or in part, or should be amended in any respect, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of opinion that any other matter relating to any Orders should be brought to the notice of the House, it may report that opinion and matter to the House.

**242. Power of Speaker to give directions.**—The Speaker may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of any question of subordinate Legislation either in the Committee or in the House.

#### (i) Committee on Government Assurances

**243. Functions of Committee on Government Assurances.**—There shall be a Committee on Government Assurances to scrutinize the assurances, promises, undertakings, etc. given by Ministers, from time to time, on the floor of the House and to report on—

(a) the extent to which such assurances, promises, undertakings, etc. have been implemented; and

(b) where implemented whether such implementation has taken place within the minimum time necessary for the purpose.

**244. Constitution of Committee.**—(1) The Committee shall consist of not more than five members who shall be nominated by the Speaker:

Provided that a Minister shall not be nominated a member of the Committee, and that if a member, after his nomination to the Committee, is appointed a Minister, he shall cease to be a member of the Committee from the date of such appointment.

(2) The term of office of member of the Committee shall not exceed one year.

#### (j) Rules Committee.

**245. Functions of Rules Committee.**—There shall be a Committee on Rules to consider matters of procedure and conduct of business in the House and to recommend any amendments or additions to these rules that may be deemed necessary.

246. *Constitution of Committee.*—The Committee on Rules shall be nominated by the Speaker and shall consist of ten members including the Chairman of the Committee. The Speaker shall be the Ex-officio Chairman of the Committee.

247. *Laying of report on the Table*—(1) The recommendations of the Committee shall be laid on the Table and within a period of seven days, beginning with the day on which they are so laid, any member may give notice of any amendment to such recommendations.

(2) Any notice given by a member of any amendment to the recommendations of the Committee shall stand referred to the Committee who shall consider it and make such changes in their recommendations as the Committee may consider fit. The final report of the Committee after taking into consideration the amendments suggested by the members shall be laid on the Table. Thereafter, on the House agreeing to the report on a motion made by a member of the Committee, the amendments to the rules as approved by the House, shall be promulgated by the Speaker in the Bulletin.

(3) If notice of such amendment has not been given within seven days, the recommendations of the Committee shall be deemed to have been approved by the House and on the expiry of the said period the Speaker shall promulgate in the Bulletin the amendments to the rules as recommended by the Committee.

(4) The amendments to the rules shall come into force on their publication in the Bulletin unless otherwise specified.

#### (k) House Committee

248. *Constitution of House Committee*—(1) There shall be a House Committee consisting of not more than five members including the Chairman.

(2) The Committee shall be nominated by the Speaker and shall hold office for a term of not exceeding one year. A member may be re-nominated by the Speaker to the new House Committee.

249. *Quorum.*—The quorum to constitute a sitting of the Committee shall be three.

250. *Functions of Committee.*—(1) The functions of the House Committee shall be—

- (i) to deal with all questions relating to residential accommodation for members of Assembly; and
- (ii) to exercise supervision over facilities for accommodation, food, medical aid and other amenities accorded to members in members' residence and hostels in Jaipur.

(2) The functions of the Committee shall be advisory.

251. *Power to appoint Sub-Committees.*—(1) The Committee may appoint one or more sub-committees, each having the powers of the undivided Committee, to examine any special points relating to



residential accommodation, food, medical aid and other amenities in members' residences and the reports of such sub-committees shall be deemed to be the reports of the whole Committee, if they are approved at a sitting of the whole Committee.

(2) The order of references to a sub-committee shall clearly state the point or points for investigation. The report of the sub-committee shall be considered by the whole Committee.

251-A. *Appeal against decision of Committee or sub-committee.*—An appeal against the decision of the House Committee or sub-committee shall lie to the Speaker whose decision shall be final.

## CHAPTER XXV

### General Rules of Procedure

#### Notices

252 *Notices by members.*—Every notice required by these rules shall be given in writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the Notice Office which shall be open for this purpose between the hours to be notified from time to time on every day except Sunday or a public holiday.

(2) Notices left at the Notice Office after the hours notified under sub-rule (1) shall be treated as given on the next open day.

253. *Circulation of notices and papers to members.*—(1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is required by these rules to be made available for the use of members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Speaker may, from time to time, direct.

254. *Lapse of pending notices on prorogation of House.*—On the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notices shall be given for the next session;

Provided that a fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution if the sanction or recommendation, as the case may be, has ceased to be operative.

255. *Motion, resolution or amendment moved not to lapse.*—A motion, resolution or an amendment, which has been moved and is pending in the House, shall not lapse by reason only of the prorogation of the House.

256. *Speaker to amend notices of questions and motions etc.*—If in the opinion of the Speaker, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical,

irrelevant, verbose, or otherwise inappropriate, he may, in his discretion, amend such notice before it is circulated.

### Motions

257. *Repetition of motion*.—A motion shall not raise a question substantially identical with one on which the House has given a decision in the same session.

258. *Withdrawal of motion*.—(1) A member who has made a motion may withdraw the same by leave of the House.

(2) The leave shall be signified not upon question but by the Speaker taking the pleasure of the House. The Speaker shall ask: "Is it your pleasure that the motion be withdrawn?". If no one dissents, the Speaker shall say: "The motion is by leave withdrawn" but if any dissentient voice be heard or a member rises to continue the debate, the Speaker shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

259. *Adjournment of debate on motion*.—At any time after a motion has been made, a member may move that the debate on the motion be adjourned.

260. *Dilatory motion in abuse of the rules of House*.—(1) If the Speaker is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the House, he may either forthwith put the question thereon or decline to propose the question.

(2) If the Speaker is of opinion that a motion for re-circulation of a Bill to elicit further opinion thereon is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the original circulation was adequate or comprehensive or that no circumstance has arisen since the previous circulation to warrant the re-circulation of the Bill, he may forthwith put the question thereon or decline to propose the question.

(3) If the Speaker is of opinion that a motion for re-committal of a Bill to a Select Committee of the House or circulation or re-circulation of the Bill after the Select Committee of the House has reported thereon, is in the nature of a dilatory motion in abuse of the rules of the House inasmuch as the Select Committee of the House has dealt with the Bill in a proper manner or that no unforeseen or new circumstance has arisen since the Bill emerged from such Committee, he may forthwith put the question thereon or decline to propose the question.

261. *Motion that policy or situation or statement or any other matter be taken into consideration*.—A motion that the policy or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his

speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Speaker and the vote of the House shall be taken on such motion.

### Anticipating Discussion

262. *Anticipating discussion.*—No member shall anticipate the discussion of any subject of which notice has been given provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.

### Amendments

263. *Scope of Amendments.*—(1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) An amendment on a question shall not be inconsistent with a previous decision on the same question.

264. *Notice of amendments.*—Notice of an amendment to a motion shall be given one day before the day on which the motion is to be considered, unless the Speaker allows the amendment to be moved without such notice.

265. *Selection of amendments.*—The Speaker shall have power to select the amendments to be proposed in respect of any motion, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

266. *Putting of amendments.*—The Speaker may put amendments in such orders as he may think fit:

Provided that the Speaker may refuse to put an amendment which in his opinion is frivolous.

### Rules to be observed by Members

267. *Rules to be observed by members while present in House.*—whilst the House is sitting, a member—

(i) shall not read any book, newspaper, or letter except in connection with the business of the House;

(ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

(iii) shall bow to the Chair while entering or leaving the House, and also when taking or leaving his seat;

(iv) shall not pass between the Chair and any member who is speaking;

(v) shall not leave the House when the Speaker is addressing the House;

(vi) shall always address the Chair;

(vii) shall keep to his usual seat while addressing the House;

(viii) shall maintain silence when not speaking in the House;

(ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the House;

(x) shall not applaud when a stranger enters any of the Galleries, or the Governor's Box;

(xi) shall not while speaking make any reference to the strangers in any of the Galleries.

268. *Member to speak when called by Speaker.*—When a member rises to speak, his name shall be called by the Speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak.

269. *Mode of addressing House.*—A member desiring to make any observation on any matter before the House shall speak from his place, shall rise when he speaks and shall address the Speaker:

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

270. *Rules to be observed while speaking.*—A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make a personal charge against a member;

(iii) use offensive expressions about the conduct or proceedings of the Assembly, Parliament or any State Legislature;

(iv) reflect on any determination of the House except on a motion for rescinding it;

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

*Explanation.*—The words “persons in high authority” means persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn in terms to be approved by him;

(vi) use the name of the President or the Governor for the purpose of influencing the debate;

(vii) utter treasonable, seditious or defamatory words;

(viii) use his right of speech for the purpose of obstructing the business of the House.

271. *Procedure regarding allegation against a person.*—No allegation of a defamatory or incriminatory nature shall be made by

a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

272. *Questions to be asked through the Speaker.*—When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under consideration of the House, he shall ask the question through the Speaker.

273. *Irrelevance or repetition.*—The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or intedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

274. *Personal explanation.*—A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise.

#### Order of Speeches and right of reply

275. *Order of speeches and right of reply.*—(1) After the member who moves a motion has spoken, other members may speak to the motion in such order as the Speaker may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the Speaker, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once to any motion, except with the permission of the Speaker.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution save with the permission of the Speaker.

276. *Mover's reply concludes debate.*—Subject to the provisions of sub-rule (3) of rule 275, the reply of the mover of the original motion shall in all cases conclude the debate.

#### Address by Speaker

277. *Address by Speaker.*—The Speaker may himself, or on a point being raised or on a request made by a member, address the

House at any time on a matter under consideration in the House with a view to aid members in their deliberations, and such expression of views shall not be taken to be in the nature of a decision.

#### Procedure when Speaker rises

278. *Procedure when Speaker rises.*—Whenever the Speaker rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

(2) No member shall leave his seat while the Speaker is addressing the House.

#### Closure

279. *Closure.*—(1) at any time after a motion has been made, any members may move: "That the question be now put", and, unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Speaker shall then put the motion: "That the question be now put".

(2) Where the motion: "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Speaker may allow a member any right of reply which he may have under these rules.

280. *Limitation of debate.*—(1) Whenever the debate on any motion in connection with a Bill or any other motion becomes unduly protracted, the Speaker may, after taking the sense of the House, fix a time limit for the conclusion of discussion on any stage or all stages of the Bill or the motion, as the case may be.

(2) At the appointed hour, in accordance with the time limit fixed for the completion of a particular stage of Bill or a motion, the Speaker shall, unless the debate is sooner concluded, forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or the motion.

#### Question for decision

281. *Procedure for obtaining decision of House.*—A matter requiring the decision of the House shall be decided by means of a question put by the Speaker on a motion made by a member.

282. *Proposal and putting of question.*—When a motion has been made, the Speaker shall propose the question for consideration, and put it for the decision of the House. If a motion embodies two or more separate propositions those propositions may be proposed by the Speaker as separate questions.

283. *No speech after voices collected.*—A member shall not speak on a question after the Speaker has collected the voices both of the Ayes and the Noes on that question.

### Division

284. *Division*.—(1) On the conclusion of a debate, the Speaker shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".

(2) The Speaker shall then say: "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Speaker as to the decision of a question is not challenged, he shall say twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the House shall be determined accordingly.

(3) (a) If the opinion of the Speaker as to the decision of a question is challenged, he shall order that the Lobby be cleared.

(b) After the lapse of two minutes he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

(c) If the opinion so declared is again challenged, he shall direct that the votes be recorded by the members going into the Lobbies:

Provided that, if in the opinion of the Speaker, the Division is unnecessarily claimed, he may ask the members who are for 'Aye' and those for 'No' respectively to rise in their places and, on account being taken, he may declare the determination of the House. In such a case, the names of the voters shall not be recorded.

285. *Division by going into Lobbies*.—(1) Where the Speaker directs under clause (c) of sub-rule (3) of rule 284 that the votes shall be recorded by the members going into the Lobbies, he shall direct the 'Ayes' to go into the Right Lobby and the 'Noes' into the Left Lobby. In the 'Ayes' or 'Noes' Lobby, as the case may be, each member shall state his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member.

(2) After voting in the Lobbies is completed, the Division Clerks shall bring the Division Lists to the Table when the votes shall be counted by the officers at the Table and the totals of 'Ayes' and 'Noes' presented to the Speaker.

(3) The result of the Division shall be announced by the Speaker and it shall not be challenged.

(4) A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Speaker, have his vote recorded either at his seat or in the Lobby before the result of the Division is announced.

(5) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced.

(6) When the Division Clerks have brought the Division Lists to the Table, a member who has not up to that time recorded

his vote but who then wishes to have his vote recorded may do so with the permission of the Speaker before the result of the Division is announced.

#### Papers quoted to be laid on the Table

286 *Papers quoted to be laid on the Table.*—If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table.

287. *Treatment of papers laid on the Table.*—(1) A paper or document laid on the Table shall be duly authenticated by the member presenting it.

(2) All papers and documents laid on the Table shall be considered public.

#### Statement made by a Minister

238. *Statement made by a Minister.*—A statement may be made by a Minister on a matter of public importance with the consent of Speaker but no question shall be asked at the time the statement is made.

#### Withdrawal and Suspension of Members.

289. *Withdrawal of member.*—The Speaker may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the House, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sitting.

290. *Suspension of member.*—(1) The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Speaker, he shall forthwith put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session:

Provided that the House may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith withdraw from the precincts of the House.



### Suspension of Sitting

291. *Power of Speaker to adjourn House or suspend sitting.*—In the case of a grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House or suspend any sitting for a time to be named by him.

### Points of Order

292. *Points of order and decision thereon.*—(1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.

(2) A point of order may be raised in relation to the business before the House at the moment:

Provided that the Speaker may permit a member to raise a point of order during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in, or arrangement of business before, the House.

(3) Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final.

(4) No debate shall be allowed on a point of order, but the Speaker may, if he thinks fit, hear members before giving his decision.

(5) A point of order is not a point of privilege.

(6) A member shall not raise a point of order—

(a) to ask for information; or

(b) to explain his position; or

(c) when a question on any motion is being put to the House;

or

(d) which may be hypothetical; or

(e) that Division Bells did not ring or were not heard.

293. *Raising a matter which is not a point of order.*—A member who wishes to bring to the notice of the House any matter which is not a point of order shall give notice to the Secretary in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.

### Maintenance of order

294. *Speaker to preserve order and enforce decisions.*—The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

### Report of Proceedings

295. *Report of proceedings of House*.—The Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct.

296. *Expunction of words from debates*.—If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House.

297. *Indication in printed debates of expunged proceedings*.—The portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:

“Expunged as ordered by the Chair.”

### Printing and Publication of Assembly Papers

298. *Printing and publication of Assembly papers*.—(1) The Speaker may authorise printing, publication, distribution or sale of any paper, document or report in connection with the business of the House or any paper, document or report laid on the Table or presented to the House or a Committee thereof.

(2) A paper, document or report printed, published, distributed or sold in pursuance of sub-rule (1) shall be deemed to have been printed, published, distributed or sold under the authority of the House within the meaning of clause (2) of Article 194 of the Constitution.

(3) If a question arises, whether a paper, document or report is in connection with the business of the House or not, the question shall be referred to the Speaker whose decision shall be final.

### Custody of papers

299. *Custody of papers*.—The Secretary shall have custody of all records, documents and papers belonging to the House or any of its Committees or Assembly Secretariat and he shall not permit any such records, documents or papers to be taken from the Assembly Secretariat without the permission of the Speaker.

### Chamber of the House

300. *Restriction on use of the Chamber of House*.—The Chamber of the House shall not be used for any purpose other than the sittings of the House.

### Admission of strangers

301. *Admission of strangers*.—The admission of strangers during the sittings of the House to those portions of the House

which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Speaker.

302. *Withdrawal of strangers.*—The Speaker may, whenever he thinks fit, order the withdrawal of strangers from any part of the House.

303. *Removal and taking into custody of strangers.*—The Sergeant-at-Arms or an officer of the Secretariat authorised in this behalf by the Speaker shall remove from the precincts of this House or take into custody, any stranger whom he may see, or who may be reported to him to be, in any portion of the precincts of the House which is reserved for the exclusive use of members, and also any stranger who, having been admitted into any portion of the precincts of the House, misconducts himself or wilfully infringes the regulations made by the Speaker under rule 301 or does not withdraw when the strangers are directed to withdraw under rule 302 while the House is sitting.

#### Suspension of Rules

304. *Suspension of rules.*—Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being.

#### Residuary powers

305. *Residuary powers.*—All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct.

#### Interpretation and removal of difficulties

306. *Interpretation and removal of difficulties.*—If any doubt arises as to the interpretation of any of the provisions of these rules, the opinion of the Speaker shall be final.

### FIRST SCHEDULE

#### Form of Petition

(See rule 97)

To

The Rajasthan Legislative Assembly  
The humble petition of

(Here insert name and designation or description of petitioner (s) in concise form, e. g. "A.B. and other" or "the inhabitants of....." or "the municipality of....." etc.)

Showeth

(Here insert concise statement of case)  
and accordingly your petitioner (s) pray that.

(Here insert "that the Bill be or be not proceeded with" or "that special provision be made in Bill to meet the case of your petitioner (s)" or any other appropriate prayer regarding the Bill or matter before the House or a matter of general public interest)

and your petitioner (s) as in duty bound will ever pray...

Name of petitioner	Address	Signature of thumb impression

Counter Signature of member presenting.

## SECOND SCHEDULE

Form of Report on Petition by the Secretary

(See rule 103)

Sir, under Rule..... of the Rule of Procedure and Conduct of Business in Rajasthan Legislative Assembly, I have to report that .....petitions as per statement laid on the Table have been received relating to ..... (in case of Bills) the Bill to provide for..... which was introduced in the House on the..... 19...., by Shri.....

## STATEMENT

Petitions relating to.....  
(in case of Bills) the Bill to provide for.....  
which was introduced in the House on the .....19

Number of Signator's	District or town.

### THIRD SCHEDULE

Form of Communication Regarding Arrest, Detention,  
Conviction or Release, as the Case May Be of A  
Member

( See rules 163 and 164 )

Place .....

Date... ..

To

The Speaker,  
Rajasthan Legislative Assembly,  
Jaipur.

Dear Mr. Speaker,

-----

#### A

I have the honour to inform you that I have found it my duty, in the exercise of my powers under Section..... of the .....(Act), to direct that Shri..... Member of the Rajasthan Legislative Assembly, be arrested/detained for.....(reasons for the arrest or detention, as the case may be).

Shri..... M.L.A..... was accordingly arrested/taken into custody at.....(time) on..... (date) and is at present lodged in the .....Jail .....(Place).

#### B

I have the honour to inform you that Shri .. Member of the Rajasthan Legislative Assembly; was tried at the... Court before me on a charge (or charges) of.....(reasons for the conviction).

On.....(date) after a trial lasting for..... days, I found him guilty of .....and sentenced him to imprisonment for .....(period).

(His application for leave to appeal to\*..... is pending/consideration).

\*Name of the court.

#### C

I have the honour to inform you that Shri..... Member of the Rajasthan Legislative Assembly, who was convicted

on.....(date) and imprisoned for.....  
(period) for..... (reasons for conviction) was  
released on bail pending appeal (or released on the sentence being  
set aside on appeal, as the case may be) on the.....  
.....(date)

Yours faithfully,  
(Judge, Magistrate or  
executive authority.)

K. L. SHARMA,  
Secretary.

NOTIFICATIONS UNDER  
**CONSTITUTION OF INDIA**

*Published in Raj. Raj-patra Vol. 1 No. 130 Dated December 20, 1949 :*

Government of the United State of Rajasthan

*Political Department.*

NOTIFICATION.

CITIZENS OF INDIA.

Jaipur, December 20, 1949.

No. F.6 (6)/Pol-A/49.—As it is necessary to register certain persons who have migrated to India from Pakistan as citizens of India under the New Constitution of India, Part II, Government are pleased to order that the Collectors of the districts of the United State of Rajasthan, shall be the 'Registering Officers' in their respective districts for the purpose.

By Order.

V. R. ADIGE,

Additional Secretary to the Government  
United State of Rajasthan.

GOVERNMENT OF THE UNITED STATE OF RAJASTHAN

*Political Department.*

PRESS NOTE.

The Constituent Assembly decided that Articles 5 to 9 relating to Citizenship (which form Part II of the Constitution of India) would come into operation on the date the Constitution was authenticated by the President of the Constituent Assembly. Clause (b) (ii) of Article 6 read with Article 7 enables certain classes of displaced persons to register themselves as Citizens of India before the date of commencement of the Constitution as a whole, that is the 26th January, 1950.

2. The conditions to be satisfied by an applicant for registration under these two articles are as follows and are published for general information:—

- (i) He should have migrated to India from Pakistan on or after the 19th July, 1948 (the date on which the Influx from West Pakistan (Control) Ordinance, 1948, was promulgated and came into force), not having previously migrated after the 1st March, 1947, from India to Pakistan or having migrated from India to Pakistan at any time after the 1st March, 1947, has returned to India at any time after the 15th August, 1947, under a permit for resettlement or permanent return.
- (ii) He, or either of his parents or any of his grandparents, was born in undivided India (*excluding* the French and Portuguese settlements in India, but *including* all former Indian States and Tribal Areas in the North-West as well as North-East frontiers).

- (iii) He should have resided in the territory of India for at least six months immediately preceding the date of his application.
- (iv) He should not have *voluntarily* acquired the Citizenship of any Foreign State.

3. The Registering Officers will be the Collectors of the Districts. Copies of application forms can be had free of cost from the said officers during office hours. Since the whole process of registration has to be completed before the commencement of the Constitution i. e. the 26th January, 1950, intending applicants should get into touch with the Registration Officers concerned as soon as possible. Those persons who are declared eligible for Indian Citizenship will be given a "Certificate of Registration" free of cost by the Registering Officer.

*Dated the 20th December, 1949*

*Published in Raj. Raj-patra Vol. 1 No. 188 Dated March 31, 1950 Extraordinary*

## GOVERNMENT OF RAJASTHAN

*Finance Department.*

### NOTIFICATION.

Jaipur, March 31, 1950.

*No. F. 31 (1) WM/50.*—In exercise of the powers conferred by clause (2) of Article 283 of the Constitution of India the Raj Pramukh of the State of Rajasthan is pleased to make the following rule:—

The custody of the Consolidated Fund of the State of Rajasthan the payment of moneys into that fund, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to that fund received by or on behalf of the Government of the State of Rajasthan their payments into the public account of the State of Rajasthan and the withdrawal of moneys from such accounts and all other matters connected with or ancillary to the matters aforesaid shall be regulated by the rules which were in force in the State on the thirty-first day of March, 1950, regulating such matters in relation to moneys received on account of the revenues of that State, in so far as such rules are not inconsistent with the provisions of the said Constitution and the said rules, in their application to the aforesaid matters, shall be read subject to all necessary modifications.

By Order of His Highness the  
Rajpramukh.

GANGA SAHAI PUROHIT,  
Finance Secretary to the  
Government of Rajasthan.

*Published in Raj. Raj-patra Vol. 2 No. 117 Dated 24-1-1951 part I at page 841 :*

- Government of Rajasthan  
General Administration Department  
NOTIFICATION



Jaipur January 23, 1951.

No. F. 1 (191) GA/A50.—The following rules made by His Highness the Rajpramukh on the 22nd day of January, 1951, are hereby published for general information.—

By Order of  
His Highness the Rajpramukh,  
V. R. ADIGE,  
Additional Secretary to the  
Government of Rajasthan.

*Rules under Article 166 (2)/238 of the Constitution.*

In exercise of the powers conferred by clause (2) of Article 166 of the Constitution of India read with Article 238 thereof, and in supersession of all previous orders and rules in this behalf, His Highness the Rajpramukh of Rajasthan is pleased to make the following rules, namely:—

(1) Orders and other instruments made and executed in the name of the Rajpramukh shall be authenticated by the signatures of a Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or an Assistant Secretary to the Government of Rajasthan.

*Explanation.*—In this rule a Secretary, a Joint Secretary, a Deputy Secretary, an Under Secretary or an Assistant Secretary shall include respectively an Additional Secretary, an Additional Joint Secretary, an Additional Deputy Secretary, an Additional Under Secretary or an Additional Assistant Secretary.

(2) Nothing in rule (1) shall effect any authorisation or direction under clause (1) of Article 299 of the Constitution of India in respect of the execution on behalf of the Rajpramukh of contracts and assurances of property made in the exercise of the executive power of the State of Rajasthan.

SAWAI MAN SINGH OF JAIPUR,

22-1-1951

*Rajpramukh.*

*Published in Raj. Raj-patra Vol. 3 No. 135 Dated 5-1-52 part 1 at page 831 :—*

General Administration Deptt.

NOTIFICATION.

Jaipur, December 27, 1951

No. F. 2 (313) G A. (A) 51.—In exercise of the powers conferred by clause (2) of Article 166 of the Constitution of India read with Article 238 thereof His Highness the Raj Pramukh is pleased to direct that the following amendment shall be made to the Rules published under Notification No. F. 1 (191) G. A./A/50, dated the 23rd January, 1951, in the Rajasthan Gazette, Extraordinary, Vol. 2 No. 117, dated the 24 January, 1951 viz.. at the end of Rule (1) but before the EXPLANATION" the full stop should be converted into a comma and the following added thereafter, namely:—

"Or the Officer on Special Duty in the Home Department".

By Order of  
His Highness the Rajpramukh.  
S. W. SHIVESHWARKAR,  
Chief Secretary to the Government.

*Published in Raj. Raj-patrá Vol. 3 No. 164 Dated 1-3-52 at page 1096 :*

General Administration Deptt.

### NOTIFICATION

Jaipur, February 16, 1952.

No. F. 2 (70) G.A. (A)/52.—In exercise of the powers conferred by Clause (2) of Article 166 of the Constitution of India read with Article 233 thereof H.H. the Rajpramukh is pleased to direct that the following further amendment shall be made to the Rules published under Notification No. F. 1 (191) G.A. (A)/50, dated 23-1-1951 in the Rajasthan Gazette, Extraordinary, Vol. 2, No. 117, dated 24-1-1951 as amended by Notification No. F. 2 (313) G.A. (A)/51, dated December 27, 1951, published in Rajasthan Gazette, dated January 5, 1952, namely,—

at the end of rule (1) as amended by the Notification, dated December 27, 1951, but before the "*Explanation*" the fullstop should be converted into a comma and the following added there after,

"Or the Officer on Special Duty in the Agriculture Department".

By Order of  
His Highness the Rajpramukh  
S. W. SHIVESHWARKAR.  
Chief Secretary to the Government

*Published in Raj. Raj-patrá Dated May 30, 1953 part I at page 200 :*

General Administration Department

### NOTIFICATIONS

Jaipur, May 15, 1953.

No. F. 2 (70) I. G. A./A/52.—In exercise of the powers conferred by clause (2) of Article 166 of the Constitution of India read with Article 233 thereof, His Highness the Rajpramukh is pleased to direct that the following further amendment shall be made to the Rules published under Notifications No. F.1 (191) G.A. /A./50, dated 23rd January, 1951, in the Rajasthan Gazette Extraordinary Vol. 2 No. 117, dated 24th January, 1951, as amended by Notification No. F. 2 (313) G. A./A. 51, dated December 27, 1951, and No. F. 2 (70) G. A./A/52, dated 16th February, 1952, namely

the words "or by such other officer of the said Government as may be specially empowered in that behalf" should be substituted for the words "or the Officer on Special Duty in the Home Department, or the Officer-on-Special-Duty in the Agriculture Department" at the end of rule (1) but before the "*Explanation*".

Jaipur, May 15, 1953.

No. F. 2 (70) 11/G A./A/52.—In pursuance of the Rules issued under this Department Notification No. F. 1 (191) G.A./A/50, dated the 23rd January, 1951, as amended by Notification No. F. 2 (70) I/G.A./A.52, dated 15th May, 1953, His Highness the Rajpramukh has been pleased to specially empower the Legal Remembrancer and the Assistant Legal Remembrancer to the Government of Rajasthan to authenticate under their signatures, orders and other instruments made and executed in the name of His Highness the Rajpramukh.

By Order of

His Highness the Rajpramukh,  
B. G. RAO,

Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated August 15, 1953 part I at page 579 :*

### NOTIFICATION

Jaipur, August 1, 1953.

No. F. 2 (70) G.A./A/52.—In pursuance of the Rules issued under this Department Notification No. F. 1 (191) G.A./A/50, dated the 23rd January, 1951, as amended by Notification No. F. 2 (70) I/G.A./A/52, dated the 15th May, 1953, His Highness the Rajpramukh has been pleased to specially empower the Budget Officer of the Government of Rajasthan to authenticate, under his signatures, orders and other instruments made and executed in the name of His Highness the Rajpramukh.

By Order of

His Highness the Rajpramukh,  
B. G. RAO,

Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated February 6, 1954 part I at page 1130 :*

General Administration Department

### NOTIFICATION.

Jaipur January 16, 1954.

No. F. 2 (70) G.A./A/52.—In pursuance of the Rules issued under this Department Notification No. F. 1 (191) G. A. /A/50 dated the 23rd January, 1951, as amended by notification No.F.2(70) I/GA/A/52, dated the 15th May, 1953, His Highness the Rajpramukh has been pleased to specially empower the Joint Legal Remembrancer of the Government of Rajasthan to authenticate, under his signatures, orders and other instruments made and executed in the name of His Highness the Rajpramukh.

By Order of

His Highness the Rajpramukh,  
B. G. RAO,

Chief Secretary to the Government

*Published in Raj. Raj-patra Dated June 25, 1955 part I (b) at page 233 :*

Jaipur, June 9, 1955.

No. F. 2 (70) G.A./A/52.—In pursuance of the Rules issued under this Department Notification No. F. 1 (191) GA/A/50, dated

the 23rd January, 1951, as amended by Notification No. F. 2. (70) I GA/A/52, dated the 15th May, 1953, His Highness the Rajpramukh has been pleased to specially empower the Registrar, Rajasthan Secretariat, to authenticate, under his signatures, orders and other instruments made and executed in the name of His Highness the Rajpramukh.

By Order of  
His Highness the Rajpramukh,  
B.S. MERTA,  
Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated May 14, 1955 part I (b) at page 101 :*

General Administration Department

### NOTIFICATION

Jaipur, May 2, 1955.

No. F. 2 (28) G.A./A. 52.—In pursuance of clause (1) of article 299 of the Constitution of India His Highness the Rajpramukh is pleased to authorise the following officers of the Forest Department of the Government of Rajasthan to execute on behalf of the Rajpramukh of Rajasthan all contracts and all assurances of property made in the exercise of the executive power of the State of Rajasthan —

1. Conservators of Forests.
2. Divisional Forest Officers.

To be extent to which the contract or assurance of property is within the competence of the Officer under the Schedule of Powers for the time being in force.

By Order of  
His Highness the Rajpramukh  
KISHEN PURI,  
Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated September 3, 1955 part I (a) at page 146 :*

General Administration Department

### NOTIFICATION

Jaipur, August 3, 1955.

No. F. (22) G.A./A/52.—In pursuance of clause (1) of Article 299 of Constitution of India, His Highness the Rajpramukh is pleased to authorise the Recovery Officer Jhalawar (an officer of the rank of a Sub-Divisional Officer) to sign agreements on behalf of His Highness the Rajpramukh in respect of the former Jhalawar State Bank Loans.

By Order,  
KISHEN PURI,  
Chief Secretary to Government.

*Published in Raj. Raj-patra Dated January 14, 1956 part I (b) at page 907 :*

ENGLISH TRANSLATION

[Authorised by His Highness the Rajpramukh]

# NOTIFICATION

*Jaipur, January 2, 1956.*

No. F. 1 (57) G.A./A/55.—In exercise of the powers conferred by clause (2) of article 166 of the Constitution of India, His Highness the Rajpramukh hereby makes the following rule, namely:—  
Rule.

Orders and other instruments made in the exercise of the executive power of the State in respect of matters falling within the functions of the Chambal Control Board may be signed by the Secretary, Chambal Control Board, and as such signature shall be deemed to be the proper authentication of such orders and instruments.

By Order of,  
His Highness the Rajpramukh,  
KISHEN PURI,  
Chief Secretary to the Government.

ENGLISH TRANSLATION  
[Authorised by His Highness the Rajpramukh.]

NOTIFICATION  
*Jaipur, January 2, 1956.*

No. F. 1 (57) GA/A/55.—In exercise of the powers conferred by clause (1) of article 299 of the Constitution of India, His Highness the Rajpramukh hereby directs that contracts and assurances of property made in the exercise of the executive power of the State in respect of matters falling within the functions of the Chambal Control Board may be executed on his behalf by the Secretary, Chambal Control Board or by any other person who is nominated in this behalf by that Board and whose nomination is notified in the Rajasthan Gazette.

By Order of  
His Highness the Rajpramukh,  
KISHEN PURI  
Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated April 7, 1956 part I (a) at page 5 :*

NOTIFICATION  
*Jaipur, March 3, 1956.*

No. F./14/3/I Home A/56.—In pursuance of clause (1) of Article 288 of the Constitution of India, His Highness the Rajpramukh of Rajasthan is pleased to authorise Superintendents of Police or other Police Officers of equal rank in Rajasthan to execute on behalf of His Highness the Rajpramukh of Rajasthan all contracts and assurances of property of the nature of rent deeds made in the exercise of the executive powers of the State of Rajasthan.

By Order of  
His Highness the Rajpramukh,  
KISHEN PURI,  
Chief Secretary to the Government,

*Published in Raj. Raj-patra Dated June 16, 1956 part I (b) at page 243 :*

## FINANCE DEPARTMENT (R)

### ORDER

Jaipur, May 29, 1956.

No. F. 6 (2)-F. (R)/53.—His Highness the Rajpramukh has been pleased to order that the following officers of the Forest Department shall exercise powers to execute contracts, security bonds and other instruments in connection with the administration of the Forests and the business of the Department to the extent noted against each:—

- (1) Chief Conservator of Upto Rs. 5,000/- in each.  
Forests case.
- (2) Conservator of Forests Upto Rs. 2,000/- in each  
case.
- (3) Divisional Forest Upto 500/. in each.  
Offices case.

By Order of  
His Highness the Rajpramukh,  
G. S. PUROHIT,  
Secretary to the Government.

*Published in Raj. Raj-patra Dated August 4, 1956 part I (a) at page 370 :*

## FINANCE DEPARTMENT (WM)

### NOTIFICATION

Jaipur, July 26, 1956.

No. F. 16 (39) WM/50.—In pursuance of Clause (1) of Article 299 of the Constitution of India, the Rajpramukh of Rajasthan is hereby pleased to authorise, with effect from the 1st August, 1956, the Governor of the Dy. Governor of the Reserve Bank of India, for the time being to execute Promissory Notes and other Securities for and on behalf of the Rajasthan Government.

By Order of  
His Highness the Rajpramukh.  
G. S. PUROHIT,  
Secretary to the Government.

*Published in Raj. Raj-patra Dated November 1, 1956 part I (b) at page 73 :*

## General Administration Department 'A'

### NOTIFICATION

Jaipur, November 1, 1956.

No. F. 1 (60) GA/A/56.—In exercise of the powers conferred by clause (2) of article 166 of the Constitution of India, the Governor of Rajasthan is pleased to make the following rules, namely:—

1. Orders and other instruments and executed in the name of the Governor shall be authenticated by the signature of any of the officers mentioned in the Schedule to these rules:.
2. Nothing in rule I shall affect any authorisation or direction under clause (1) of article 299 of the Constitution of India in respect of the execution on behalf of the Gover-

nor of contracts and assurances of property made in the exercise of the executive power of the State of Rajasthan.

By Order of the Governor,

KISHEN PURI,

Chief Secretary to the Government.

### THE SCHEDULE.

(See Rule 1).

1. A Secretary, including a Special Secretary or an Additional Secretary, to the Government of Rajasthan.
2. A Joint Secretary, including an Additional Joint Secretary, to the Government of Rajasthan.
3. A Deputy Secretary, including an Additional Deputy Secretary, to the Government of Rajasthan.
4. An Under Secretary, including an Additional Under Secretary, to the Government of Rajasthan.
5. An Assistant Secretary, including an Additional Assistant Secretary, to the Government of Rajasthan.
6. The Legal Remembrancer to the Government of Rajasthan.
7. The Joint Legal Remembrancer to the Government of Rajasthan.
8. The Assistant Legal Remembrancer to the Government of Rajasthan.
9. The Draftsman, including an Additional Draftsman, to the Government of Rajasthan.
10. The Registrar, Rajasthan Civil Secretariat.
11. The Budget Officer, Rajasthan Secretariat.
12. Accounts Officers of the Rajasthan Accounts Service in the Rajasthan Civil Secretariat.
13. Special Officers, Integration Department.

General Administration Department

### NOTIFICATION

Jaipur, November 1, 1956,

No. F. 1 (61) GA/A/56.—In pursuance of Clause (1) of article 299 of the Constitution of India, the Governor of Rajasthan is hereby pleased to direct that all contracts and assurances of property made in the exercise of the executive power of the State of Rajasthan shall be executed on behalf of the Governor by any of the officers mentioned in the Schedule hereto annexed.

By Order of the Governor,

KISHEN PURI

Chief Secretary to the Government.

### THE SCHEDULE.

1. A Secretary, Special Secretary, Additional Secretary, Deputy, Secretary, or Additional Deputy Secretary to the Government.
2. The Head of a Department.
3. The Collector of a District.

4. Deputy Commissioners of Civil Supplies.
5. The Munsarim, Purejat.

*Published in Raj. Raj-patra Dated December 6, 1956 part I (b) at page 705 ;*

Finance Department (Accounts and audit section)

### NOTIFICATION

Jaipur, November 21, 1956.

No. D. F. 1 (70) F (A.A) 56.—In exercise of the powers conferred by clause (2) of article 283 of the Constitution of India, the Governor hereby orders that the following rules of the pre-Reorganisation State of Rajasthan as in force immediately before the 1st day of November, 1956 shall, *mutatis mutandis*, apply in relation to the State of Rajasthan as they applied in relation to the pre-Reorganisation State of Rajasthan, namely:—

- (i) the rules entitled "the Treasury Rules of the Rajasthan Government" which came into on the 1st day of April, 1951;
- (ii) the General Financial and Account Rules, in so far as they deal with any of the matters mentioned in clause (2) of article 283 of the Constitution; and
- (iii) all other rules dealing with any of the said matters.

2. In the application of the said rules as mentioned above, references to the Rajpramukh shall be construed as references to the Governor.

By Order of the Governor,

K. N. BHARGAVA,

*Additional Secretary to the Government.*

*Published in Raj. Raj-patra Dated March 27, 1958 part IV(c) at page 1047 to 1048*

General Administration Department (A)

### NOTIFICATIONS.

Jaipur, February 1, 1958.

No. F. 1 (61) GA/A/56.—In pursuance of Clause (1) of Article 299 of the Constitution of India, the Governor of Rajasthan is hereby pleased to authorise District Veterinary Officers to sign the agreement prescribed under "The Rules for the selection and maintenance of Bull Calves under the Bull Premium Scheme for Rajasthan, 1957"

Jaipur, February 12, 1958.

No. D. 94/IDR/58/F. 1 (61) GA/A/56.—In pursuance of clause (i) of Article 299 of the Constitution of India, the Governor of the State of Rajasthan is hereby pleased to authorise the Assistant Commissioners, Devasthan at Jaipur, Jodhpur and Udaipur, to execute leases or rent-deeds made in the exercise of the executive power of the State of Rajasthan in respect of the property in-charge of the Devasthan Department.

Jaipur, February 20, 1958.

No. F. 1 (61) GA/A/56.—In pursuance of Clause (1) of Article 299 of the Constitution of India, the Governor of Rajasthan is



hereby pleased to authorise District Veterinary Officers to sign the agreement prescribed under "The Rajasthan Rules of State Subsidy for purchase and maintenance of Bull Calves, 1957."

By Order of the Governor,  
K. N. SUBRAMANIAN,  
*Chief Secretary to the Government.*

*Published in Raj. Raj-patra Dated May 8, 1958 part IV (c) at page 239 :*

General Administration Department 'A'

NOTIFICATION

Jaipur, April 8, 1958

No. D. 236/IDR/58/F. 1 (61) GA/A/56.—In pursuance of the powers conferred by Article 299 (1) of the Constitution of India, the Governor of the State of Rajasthan does hereby authorise the officers of the Directorate General of Supplies and Disposal, Government of India, to execute on his behalf all contracts made by them in virtue of the entrustment made under Article 258 A thereof by this Government Notification No. D. 5163/F. 16 (14) Ind./A/57, dated the 4th June, 1957.

By Order of the Governor,  
K. N. SUBRAMANIAN,  
*Chief Secretary to the Government.*

*Published in Raj. Raj-patra Dated July 17, 1958 part IV (c) at page 683 :*

General Administration Department (A)

NOTIFICATION

Jaipur, June 26, 1958.

No. D. 7572/F. 1 (61)/GA/A/56.—In pursuance of Clause (1) of Article 299 of the Constitution of India, the Governor of Rajasthan is pleased hereby to authorise the Camel Improvement Officer to execute on his behalf, the agreements prescribed by the rules for the election and Maintenance of Stud Camels under the Camel Premium Scheme for Rajasthan, 1957.

By Order of the Governor.  
B. MEHTA,  
*Chief Secretary to the Government*

*Published in Raj. Raj-patra Dated September 4, 1958 part IV (c) at page 901 :*

General Administration Department 'A'

NOTIFICATION

Jaipur, August 14, 1958.

No. D. 8340/F. 1 (61) G.A/A/56.—In pursuance of Clause (1) of article 299 of the Constitution of India, the Governor of Rajasthan is hereby pleased to authorise the Rehabilitation Officer to sign the agreements prescribed under "The Rajasthan Rules for the State subsidy to the Bull Calves under the Scheme of Rehabilitation of Nomadic Breeders, 1957."

By Order of the Governor,  
B. MEHTA,  
*Chief Secretary to the Government.*

*Notifications under*

**THE CONSTITUTION OF INDIA.**

*Published in Raj. Raj-patra part IV (c) dated December 10, 1959 at page 989*

**General Administration Department 'A'**

**NOTIFICATION**

**Jaipur, November 12, 1959.**

*No. F. 1 (61) GA/A/56.*—In pursuance of the powers conferred by Article 299 (1) of the Constitution of India, the Governor of Rajasthan is hereby pleased to authorise the Additional Collectors of the Districts to execute on his behalf all contracts and assurances of property made in the exercise of the executive power of the State of Rajasthan, and to order that the following be added accordingly as item No. 6 at the end of the Schedule annexed to this Department Notification of even number dated the 1st of November, 1956 namely:—

**"6. The Additional Collector of a District"**

**By Order of the Governor,**

**B. MEHTA.**

**Chief Secretary to the Government.**

*Published in Raj. Raj-patra part I (b) dated December 8, 1960 at page 461*

**Labour Department**

**NOTIFICATIONS**

**Jaipur, November 10, 1960.**

*No. F. 3(61) Ind (C) 60.*—In exercise of the powers conferred by article 258 A of the Constitution, the Government of Rajasthan, hereby empowers the Central Government to exercise the functions of "Appropriate Government" for the purposes of dealing with industrial disputes arising between the Employees' State Insurance Corporation and their employees, under the Industrial Disputes Act, 1947, throughout the State of Rajasthan.

*Notifications under*

## **CONSTITUTION OF INDIA, 1950**

*Published in Raj. Raj-patra part I (a) dated August 25, 1962 at page 30 :*

**Judicial Department**

### **NOTIFICATION**

**Jaipur, August 23, 1962.**

No. F. 1 (19) LJ/B/58.—In exercise of the powers conferred by Article 237 of the Constitution of India, the Governor of Rajasthan hereby directs that with effect from the 1st of September, 1962, the provisions of Articles 234 and 235 of the Constitution of India shall apply to the class of Special Judicial (Railways) Magistrates of the State as they apply in relation to persons appointed to the Judicial Service of the State.

*By Order of the Governor,*  
**LEHAR SINGH MEHTA,**  
**Secretary to the Government.**

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*Rules and Notifications under*

CONTINGENCY FUND ACT, 1956. THE RAJASTHAN  
( 40 OF 1956).

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# RAJASTHAN CONTINGENCY FUND RULES, 1957

FINANCE (B) DEPARTMENT.

## NOTIFICATION

*Jaipur. February 14, 1957.*

No. F. 2 (1) F. (B)/56.—In exercise of the powers conferred by section 5 of the Rajasthan Contingency Fund Act, 1956 (Act No. 40 of 1956), the Rajasthan Government hereby makes the following rules, namely:—

### Notes

These rules have been framed in exercise of the powers conferred by section 4 of the Rajasthan Contingency Fund Act, 1956 which reads as under:—

For the purposes of this Act the State Government may make rules regulating all matters connected with or ancillary to the custody of and the payment of moneys into and withdrawals of moneys from the Contingency Fund of the State.

1. These rules may be called the Rajasthan Contingency Fund Rules, 1957.

2. The Rajasthan Contingency Fund Rules made by the Pre-reorganisation State of Rajasthan are hereby repealed.

### Notes

The previous rules on this subject vide Notification No. F. 15 [33] B/51 dated 11-12-52 and No. F. 36 (34)/F.I./53/17398 dated 7-1-54 were published in Rajasthan Rajpatra Part I dated 20/12/52 and 16/1/54 respectively

3. All applications for Advances from the Contingency Fund shall be made to the Secretary to the Government of Rajasthan in the Finance Department. The applications shall give—

- (i). brief particulars of the additional expenditure involved,
- (ii). the circumstances in which provision could not be included in the budget,
- (iii) why its postponement is not possible,
- (iv) the amount required to be advanced from the Contingency Fund with full cost of the proposal for the year or part of the year as the case may be, along with bill of drawing officers and the treasury from which the amount is to be drawn.
- (v) the grant or appropriation under which the supplementary provision will eventually have to be obtained. and
- (vi) particulars of savings when expenditure on a new service can be met by reappropriation of funds within the grant.

4. Advances from the Contingency Fund shall be made for the purposes of meeting unforeseen expenditure including expenditure on new service not contemplated in the annual financial statement.

*These rules have been first published in Rajasthan Rajpatra Dated March 28, 1957 in part IV (c) at page 877.*

5. A copy of the order sanctioning the advance, which shall specify the amount, the grant or appropriation to which it relates and give brief particulars by sub-heads and units of appropriation of the expenditure for meeting which it is made, shall be forwarded by the Finance Department to the Accountant General, Rajasthan.

6. Supplementary estimates for all expenditure so financed shall be presented to the State Legislature, at the first session meeting immediately after the advance is sanctioned. If in exceptional circumstances to be recorded in writing, the supplementary estimates when they cannot be presented to the State Legislature in the ensuing session may be so presented at a subsequent session. As soon as the State Legislature has authorised the additional expenditure by including it in any Supplementary Appropriation Act, the advances made from the Contingency Fund shall be resumed to the Contingency Fund.

NOTE 1. While presenting to Legislature estimates for expenditure financed from the Contingency Fund a note to the following effect shall be appended to such estimates.

'A sum of Rs . . . . . has been advanced from the Contingency Fund in . . . . . and an equivalent amount is required to enable repayment to be made to that Fund.'

NOTE 2. If the expenditure on new service not contemplated in the annual financial statement can be met, wholly or partly from the savings available within the authorised appropriation the note appended to the estimates submitted shall be in the following form:—

'The expenditure is on a new service. A sum of Rs. . . . . has been advanced from the Contingency Fund in . . . . . and an equivalent amount is required to enable repayment to be made to that fund.'

The amount . . . . . viz . . . . . can

A part of that amount

be found by reappropriation of savings within the grant and

a token vote only is now required

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a vote is required for the balance viz. Rs. . . . . only.

7. If, after the orders sanctioning an advance from the Contingency Fund have been issued in accordance with rule 5 and before action is taken in accordance with rule 6, it is found that the advance sanctioned will remain wholly or partly unutilised, an application shall be made to the sanctioning authority for cancelling or modifying the sanction as the case may be.

8. All advances sanctioned from the Contingency Fund to meet expenditure in excess of the provision for the service included in an Appropriation (Vote on Account) Act shall be resumed to the Contingency Fund as soon as the Appropriation Act in respect of the expenditure on the service for the whole year, including

the excess met from the advances from the Contingency Fund has been passed.

9. A copy of the order resuming the advance, which shall give a reference to the number and date of the order in which the original advance was made and to the Supplementary Appropriation Act referred to in rule 6 shall be forwarded by the Finance Department to the Accountant General.

10. An account of the transactions of the fund shall be maintained by the Finance Department in Form A annexed to the Rules.

11. Actual expenditure incurred against the advances from the Contingency Fund shall be recorded in the account relating to the Contingency Fund in the same detail as it would have been shown if it had been paid out of the Consolidated Fund.

By Order of the Governor.

G. S. PUROHIT,

*Secretary to the Government.*

FORM. A.

*Contingency Fund of Rajasthan.*

S. No.	Date of transaction.	Number and name of grant of appropriation.	Number & date of the application for advance.	Number & date of the order making the advance.	Amount advanced.	Supplementary Appropriation Act providing for the additional expenditure.	Amount of advance resumed.	Balance after each transaction	Initials of officer-in-charge.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

NOTE 1. The balance should be struck after each transaction.

2. The amount of the advance should be entered in black ink when made and in red ink when resumed.

# The Rajasthan Co-operative Land Mortgage Bank Rules, 1957.

Co-operative Department

## NOTIFICATION

Jaipur, January 21, 1959.

No. F: 5 (88) Co-op./57.—In exercise of the powers conferred by sections 12, 23 and sub section (5) of section 30 of the Rajasthan Co-operative Land Mortgage Banks Act, 1956 (Act No. 38 of 1956), the Government of Rajasthan are pleased to make the following rules for the purpose of carrying out the provisions of Chapter III and IV and section 30 of the said Act, and prescribing the manner of certifying copies of any document or entries therein granted under section 34 thereof, namely:—

## RULES

### I. Preliminary.

1. *Short title and commencement.*—(a) These rules may be called the Rajasthan Co-operative Land Mortgage Banks Rules, 1957.

(b) They shall come into force on 10th February, 1959.

2. *Definitions.*—In these rules, unless the subject or context otherwise requires:—

(a) 'the Act' means the Rajasthan Co-operative land Mortgage Banks Act, 1956 (Act No. 38 of 1956).

(b) 'applicant' means;—

(i) in the case of an application under Chapter III of the Act, the Board or Committee of a Mortgage Bank; and

(ii) in the case of an application under Chapter IV of the Act, the Board or Committee of a Mortgage Bank or any person duly authorised by such Board or Committee in that behalf;

(c) 'distraîner' means an officer of the Co-operative Department who is empowered to distrain and sell the produce of the mortgaged land including the standing crops thereon in accordance with the provisions of Chapter III of the Act by the Registrar or any person appointed by the Rajasthan Government under section 6 of the Rajasthan Co-operative Societies Act, 1953 to assist the Registrar;

### II. Procedure in the Distraint and Sale and produce.

#### Notes.

The rules in this part have been framed as required under section 12 of the Act which reads as under:—



The State Government may make rules not inconsistent with this Chapter—

- (i) for the manner of effecting distraint,
- (ii) for the custody, preservation and sale of distrained property,
- (iii) for the investigation of claims by persons other than the defaulter to any right or interest in the distrained property and for the postponement of the sale pending such investigation,
- (iv) for the immediate sale of perishable articles, and
- (v) generally for the purpose of carrying out the provisions of this Chapter.

3. *Deposit of cost of distraint and sale.*—(1) No application under sub-section (i) of section 8 of the Act shall be received unless the applicant deposits the necessary costs of distraint and sale on a scale fixed by the Registrar.

(2) *Procedure on receipt of the application.*—The Application shall be in such form as may be required by the Registrar and shall be signed by a person authorised by the Board or Committee. On receipt of the application the Registrar or the Principal Officer of the Co-operative Department, in the district, shall if satisfied that the particulars set forth in the application are correct, prepare a demand certificate in duplicate in the form laid down by the Registrar setting forth the name of the defaulter, the amount due together with interest and forward the same to the distrainer concerned.

#### Notes

Sub-section (1) of section 8 of the Act provides that—

(1) If any instalment payable under a mortgage executed in favour of the Central Mortgage Bank or a mortgage bank or any part of such instalment has remained unpaid for more than one month from the date on which it fell due, the Board or the committee, as the case may be, may, in addition to any other remedy available, apply to the Registrar or to any person appointed by the State Government under section 6 of the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953), to assist the Registrar for the recovery of such instalment or part by distraint and sale of the produce of the mortgaged land including the standing crops thereon. On receipt of such application the Registrar or such person may, notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act IV of 1882) but subject to the provisions of section 130 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and section 224 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), take such action as is necessary to distrain and sell such produce:

Provided that no distraint shall be made after the expiry of twelve months from the date on which the instalment fell due.

4. *Rules of seizure and sale of property distrained.*—In the seizure and sale of the produce of the mortgaged land including the standing crops thereon, the following procedure shall be observed:—

(a) *Defaulter to be served with demand notice.*—As soon as a distraint is made the distrainer shall deliver to the defaulter a list of the property distrained and shall give him intimation in writing of the place, and the day and hour at which the distrained property will be sold.

Provided that where owing to the absence of the defaulter it is not possible to deliver such list to the defaulter, the distrainer

shall deliver such list to some adult male member of the defaulter's family, or to the authorised agent of the defaulter and when such delivery is not possible, shall affix the list on some conspicuous part of his residence endorsing thereon the place where the property is kept and the place, day and hour at which the property will be sold:

Provided also that where the defaulter does not reside in the village in which the land, the standing crops or the produce of which is distrained, is situated, the list shall be affixed on the land and a copy of it shall be sent by registered post to the defaulter to his last known place of residence.

The distrainer shall make proper arrangements for custody and preservation of the distraint property during the interval between the distraint and the sale. The applicant or the President, Secretary or Manager of the mortgage bank concerned, if he is authorised in this behalf by the applicant shall, if required by the distrainer, undertake the custody and preservation of the property distrained and shall be responsible for any loss or damage to the distrained property incurred owing to the applicant's negligence

(b) *Time of distress.*—This distress shall be made after sunrise and before sunset and not at any other time.

(c) *Distrained crops how dealt with.*—If crops or ungathered products of the land belonging to a defaulter are distrained the distrainer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered, in due season and stored in proper places until sold.

(d) *What places distrainer may force open*—It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out-house or other building, and he may also enter any dwelling-house the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of distraining the produce of the mortgaged land lodged therein provided always that it shall not be lawful for such distrainer to break open or enter any department in such dwelling-house appropriated for the Zenana or residence of women except as hereinafter provided.

(e) *Power of distrainer to force open doors in presence of police Officer.*—Where a distrainer may have reason to suppose that the produce of the mortgaged land is lodged within a dwelling-house the outdoor of which may be shut, or within any apartments appropriated to women, which by the usage of the country, are considered private, the distrainer shall represent the fact to the officer-in-charge of the nearest police station.

On such representation, the officer-in-charge of the said station shall send a police officer to the spot, in the presence of whom the distrainer may force open the outer door of such dwelling-house, in

like manner as he may break open the door of any room within the house except the Zenana.

The distrainer may also in the presence of the Police Officer, after due notice given for the removal of women within a Zenana, and after furnishing means for their removal in a suitable manner (if they be women of rank who, according to the customs of the country, cannot appear in public) enter the Zenana apartments for the purpose of distraining the produce of the mortgaged land, if any, deposited therein, but such property if found, shall be immediately removed from such apartments, after which they shall be left free to the former occupants.

(f) *Proclamation of time and place of sale and of property to be sold.*—The distrainer shall on the day previous to and on the day of sale cause proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides or the produce is kept and in such other place or places as the distrainer may consider necessary to give due publicity to the sale.

No sale shall take place until after the expiration of a period of 15 days from the date of the service of the demand referred to in section 9 of the Act; provided that where the property seized is subject to speedy and natural decay the distrainer may sell it at any time before the expiry of the said period of fifteen days.

(g) *Sale how conducted.*—At the appointed time and place the distrainer shall in public auction the distrained property or such part thereof as may be necessary, in one or more lots as the distrainer may consider desirable and dispose of the same to the highest bidder.

The distrainer may in his discretion adjourn the sale to a specified day and hour, recording the reasons for such adjournment; where a sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (f) shall be made unless the defaulter consents to waive it.

(h) *Payment on purchase of distrained property.*—The property shall be paid for in cash at the time of sale, or as soon thereafter as the distrainer shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

(i) *Resale in case of default.*—If the purchaser fails in the payment of the purchase money, the property shall be resold and the proceeds of such resale shall be applied in the manner provided in section 10 of the Act. Any deficiency of price which may happen on the resale and all expenses attending such resale shall, at the instance of either the applicant or the defaulter be recoverable from the defaulting purchaser under the provisions relating to the execution of an award of an arbitrator under the Rajasthan Co-operative Societies Act, 1953.

(j) *Penalty for forcibly or clandestinely taking away distrained Property.*—Where any property which has been distrained under these rules has been forcibly or clandestinely removed by any person, the matter shall be reported to the Police.

(k) *Withdrawal of distress on tender of moneys due and expenses prior to sale.*—When prior to the day fixed for sale a defaulter or any person acting in his behalf, or any person claiming an interest in the property distrained pays the full amount due, including interest, travelling allowance and other expenses incurred in distraining and proclaiming the sale, the distrainer shall not proceed with the sale and shall release the property forthwith.

(l) *Investigation of claims to any right or interest in the distrained property.*—Where any claim is preferred by any person other than the defaulter to any right or interest in the distrained property, the distrainer shall investigate the claim and dispose of it on its merits:

Provided that no such investigation shall be made where the distrainer considers that the claim was designedly or unnecessarily delayed.

Where the property to which the claim applies has been advertised for sale, the distrainer may postpone the sale pending the investigation of the claim;

### III. Procedure in the Sale of Mortgaged Property

#### Notes

Section 23 of the Act authorises the State Government to make rules for:—

- (i) for the due proclamation and conduct of the sale;
- (ii) for the recovery of the expenses of the proclamation and sale;
- (iii) for the deposit of the purchase money;
- (iv) for the resale of the property, if the purchase money is not deposited; and
- (v) generally for carrying out the provisions of this Chapter.

The rules in this part have been framed on the authority of the aforesaid Section.

Chapter IV of the Act relates to "Sale of Mortgaged Property". Sub-section (1) of section 13 of the Act, reading as under, provides circumstances under which power of sale can be exercised:—

(1) Notwithstanding anything contained in the Transfer of Property Act, 1882 (Central Act IV of 1882), where a power of sale without the intervention of the court is expressly conferred on the Central Mortgage bank or a mortgage bank by the mortgage deed, the Board or the committee, as the case may be, of such Bank or any person, authorised by such Board or committee in this behalf shall, in case of default of payment of the mortgage money or any part thereof, have power, in addition to any other remedy available, to bring the mortgaged property to sale without the intervention of the court subject to the provisions contained in section 130 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and in section 224 of the Rajasthan Land Revenue Act, 1955 (Rajasthan Act 15 of 1955).

The rules 5, 6, 7 and 8 prescribe procedure in this regard.

5. In the sale mortgaged immovable property under the provisions of Chapter IV of the Act, the following procedure shall be observed.—

(a) *Deposit of costs of proclamation and sale.*—No application under sub-section (1) of section 14 of the Act shall be received unless the applicant deposits the necessary costs of proclamation and sale on a scale fixed by the Registrar.

(b) *Form and contents of application for sale of immovable property.*—The application shall be in such form as may be required by the Registrar and shall be signed by the applicant or where the applicant is the board or the committee of a mortgage bank, by person duly authorised by the board or the committee. It shall state the amount due for recovery including interest, expenses incurred in the service of the notice referred to in clause (c) of sub section (2) of section 13 of the Act, the names and addresses of the persons on whom notice was served under the said clause. It shall also contain a description of the immovable property to be proceeded against sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey the specification of such boundaries or numbers.

*Procedure on receipt of application*—On receipt of the application the sale officer shall give a notice in writing to all the persons referred to in clause (c) of sub-section (2) of section 13 of the Act stating the amount claimed by the applicant including expenses incurred by it in the service of notice and the particulars of the properties to be sold in case of non-payment, within a time to be allowed by the sale officer.

(c) *Procedure when defaulter neglects to pay.*—If before the expiration of the time allowed in the notice issued under clause (b) the amount specified in such notice is not paid, the sale officer shall, after giving notice to the mortgage bank on whose behalf the application is made, proceed to sell the immovable property specified in the application in the following manner.

(d) *Proclamations before sale.*—Proclamations of sale shall be published by fixing notice in the office of the principal officer of the Co-operative Department in the district and in the Tehsil office at least ten days before the date fixed for the sale and also by beat of drum in the village where the mortgaged property to be sold is situated on two consecutive days previous to the date of sale and on the day of sale, prior to the commencement of the sale. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible—

- (i) the property to be sold;
  - (ii) the revenue or rent payable in respect thereof;
  - (iii) the amount for the recovery of which the sale is ordered;
- and

(iv) every other matter which the sale officer considers material for a purchaser to know in order to judge of the nature and value of the property.

(e) *Sale to be by public auction.*—When any mortgaged immovable property is sold under the rules, the sale shall be subject to prior encumbrances on the property, if any. The sale shall be by public auction to the highest bidder.

The sale officer, may, in his discretion adjourn the sale to specified day and hour, recording his reasons for such adjournment. Where sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (d) shall be issued unless the mortgagor consents to waive it.

(f) *Deposit by purchaser and resale on default.*—A sum of money equal to 25 per cent of the price of the immovable property shall be deposited by the purchaser with the sale officer at the time of the purchase, and in default of such deposit the property shall forthwith be resold:

Provided that where the mortgage bank at whose instance the property is sold is the purchaser and is entitled to set off the purchase money against the amount due under clause (k), the sale officer shall dispense with the requirements of this clause.

(g) *Time for payment of the balance of the purchase money.*—The remainder of the purchase money and the amount required for the general stamp for the certificate under section 17 of the Act shall be paid within fifteen days from the date of sale:

Provided that the time for payment of the amount required for the general stamp may for good and sufficient reasons be extended at the discretion of the principal officer of the Co-operative Department in the district up to 30 days from date of sale:

Provided further that in calculating the remainder of the purchase money to be paid under the clause, the purchaser shall have the advantage of any set off to which he may be entitled under clause (k).

(h) *Procedure in default of payment.*—In default of payment within the period mentioned in clause (g), the deposit may, if the sale officer thinks fit, after defraying all costs, charges and expenses of the sale be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(i) *Defaulting purchaser answerable for loss on resale.*—Any deficiency of price which may happen on the resale by reason of the purchaser's default and all expenses attending such resale shall, at the instance of either the applicant or the mortgagor, be recoverable from the defaulting purchaser under the provisions relating to the execution of an award of an arbitrator under the Rajasthan Co-operative Societies Act, 1953.

(j) *Notification on resale.*—Every resale of mortgaged immovable property in default of payment of the purchase money within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period herein before prescribed for the sale.

(k) *Where applicant bank purchases amount due shall be taken as payment.*—Where the mortgage bank at whose instance the property is sold purchases, the purchase money and the amount due shall be set off against one another, and sale officer shall enter up satisfaction of payment of the mortgage money in whole or in part accordingly.

6. *Release of property attached on payment of arrears due.*—Where prior to the day fixed for sale the mortgagor or any person acting on his behalf or any person claiming an interest in the mortgaged property tenders payment of the full amount due including interest, travelling allowance and other costs, charges and expenses incurred in connection with the sale of the property, the sale officer shall not proceed with the sale.

7. *Application to set aside the sale on deposit.*—(1) The sale officer shall on the conclusion of the sale make a report to the mortgage bank at whose instance the property was brought to sale regarding the results of the sale.

(2) Whenever the sale of the mortgaged property is set aside under sub-section (2) of section 15 of the Act, the deposit or the purchase money as the case may be shall be returned to the purchaser and due sum equal to 5 per cent of the purchase money deposited by the mortgagor or the person having a right or interest in the mortgaged property, under sub clause (b) of sub-section (1) of section 15 of the Act shall also be paid to the purchaser.

8. *Sale of immovable property to be proportionate to arrears due.*—It shall be lawful for the sale officer to sell the whole or any portion of the mortgaged immovable property of a mortgagor in discharge of money due provided always that so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of sale.

#### IV. Summons and communications.

##### *Notes*

The rules in this part have been framed for putting into effect the requirements of section 30 of the Act which reads as under:—(1) Subject to such restrictions, limitation and conditions as may be prescribed, the Registrar and persons subordinate to the Registrar who are authorised by him in this behalf by general or special order in writing and such other persons; being officials engaged in the relief of rural indebtedness or officers of co-operative banks which are registered or deemed to be registered under the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act, V of 1953) as the State Government may, by notification in the Rajasthan Gazette,

authorised in this behalf, shall have the same powers as are vested in court under the Code of Civil Procedure, 1908 (Central Act V of 1908), when trying a suit, in respect of the following matters, namely:—

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses.

(2) Any of the officers or persons authorised by or under sub section (1) may require any person present before him to furnish any information or to produce any document then and there in his possession or power.

(3) Any officer or person before whom any document is produced under sub-section (1) or sub-section (2) shall have the power to take or to authorise the taking of, such copies of the documents or of any entries therein as such officer or person may consider necessary. Copies so taken shall, when certified in such manner as may be prescribed be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be.

(4) (a) Any person willfully or without reasonable excuse disobeys any summons, requisition or order issued under sub-section (1) or sub-section (2) shall be punishable with fine which may extend to fifty rupees and, in the case of a continuing disobedience, with an additional fine which may extend to five rupees for every day during which such disobedience continues after conviction for the last such disobedience.

(b) No court inferior to that of Magistrate of the first class shall try an offence under clause (a).

(c) Every offence under clause (a) shall, for the purpose of the Code of Criminal Procedure, 1898 (Central Act V of 1898), be deemed to be non-cognizable.

(d) No prosecution shall be instituted under clause (a) without the previous sanction,—

- (i) of the Registrar in case the summons, requisition or order alleged to have been disobeyed was issued by the Registrar or any disobeyed person subordinate to him or by any officer of a co-operative bank; and
- (ii) of the Collector of the district in other cases.

(e) Such sanction shall not be given without giving the party concerned an opportunity to be heard.

(5) The State Government shall have powers to make rules for giving effect to the provisions of this section.

**9. Form of Summons.**—Every summons issued under section 30 of the Act, shall be in writing and shall be authenticated by the signature and the seal, if any, of the officer or person by whom it was issued.

It shall require the person summoned to appear before the said officer or persons at a stated time and place and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document or for both purposes; and any particular document the production of which is required shall be described in the summons with reasonable accuracy.

**10. Production of documents.**—Any person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced instead of attending personally to produce the same.



11. *Service of summons.*—(i) The service of summons under the Act, on any person may be effected—

- (a) by giving or tendering it to such person; or
- (b) if such person is not found by leaving it at his last known place of abode or business, or by giving or tendering it to some adult member of his family or his authorised agent; or
- (c) if the address of such person is known to the officer or person issuing the summons, by sending it to him by post registered; or
- (d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.

(ii) Where the serving officer delivers or tenders a copy of the summons to the person concerned personally or to an agent or other person on his behalf, he shall require the person to whom the copy is so delivered or tendered to sign an acknowledgement of service endorsed on the original summons.

(iii) The serving officer shall in all cases in which the summons has been served, add or cause to be added to the original summons an endorsement or annexure stating the date when and the manner in which, the summons was served and the name and address of the person (if any) identifying the person served, or his place of abode or business and witnessing the delivery or tender of the summons.

12. *Service on public officers and Railway employees.*—Where the person whose attendance is required is a public officer or is a person employed in Railways or local authority the officer or person issuing the summons may, if it appears to him, that the summons may be most conveniently so served, send it by registered post prepaid for acknowledgement, for service on the person whose attendance is required, to the head of the office in which he is employed together with a copy to be retained by that person.

13. *Examination of the commission or otherwise of persons sick, infirmity, etc.*—When the person whose evidence is required is unable, from sickness or infirmity, to attend before the officer or person issuing the summons, or is a person whom by reason of rank or sex it may not be proper to summon, the officer or person issuing the summons may, of his own motion or on the application of the person whose evidence is required, dispense with his appearance, and examine him at his place of abode or business or cause him to be so examined, by a person specially deputed by him for the purpose.

#### V. Granting of copies.

##### Notes

Section 34 of the Act provides that, "Any mortgage bank or the Central Mortgage Bank may grant copies of any document contained or kept by it in the

the course of its business or of any entries therein; and any copy so granted shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be."

14. *Certificate or copy of a document.*—(1) No copy of a document or of an entry therein taken under sub-section (3) of section 30 or granted under section 34 of the Act shall be admissible in evidence unless it contains a certificate in the following form:—

"I/We certify that the above is a  
true copy of the \_\_\_\_\_ and that  
true copy of an entry or entries in the\* \_\_\_\_\_  
I/We have compared the above copy with the  
original \_\_\_\_\_ and found it to  
\_\_\_\_\_ entries or entries in the \_\_\_\_\_ them  
be correct."

Signature of the officer or person empowered under sub-section (1) of section 30 of the Act.

N. B. \*Nature of the document to be specified.

(2) The certificate referred to in sub-rule (i) contained in copies granted under section 34 shall be signed by three Directors of whom one shall be the President or the Treasurer or the Manager, and

(3) The charges to be levied for the supply of a certified copy under 34 shall be four annas for every one hundred words or part thereof subject to a minimum charge of one rupee.

15. *Process fees and expenses of witnesses.*—A party who desires the attendance of a person either to give evidence or produce a document shall deposit with the officer or person issuing the summons, in cash:—

(i) process fees in accordance with the scale fixed by the Registrar of Co-operative Societies; and

(ii) allowances payable to the person whose attendance is desired for travelling to and appearing before the officer or person issuing the summons, in accordance with the scale fixed by the Registrar of Co operative Societies.

If the party required to make such deposit fails to do so within 15 days from the date of the order requiring him to make the deposit, the officer or person empowered to issue the summons may drop further action.

## VI. General

16. *Process servers to be paid travelling allowance.*—Persons employed in serving notices or in other process under these rules, shall be entitled to travelling allowance at such rates as may from time to time be fixed by the Registrar.

17. *Charge recoverable from sale proceeds.*—The sale proceeds shall be applied in the manner provided in the Act. The amount deposited under sub-rule (1) of rule 2 or clause (a) of Rule 4, as the case may be shall be returned to the applicant except where the expenses or costs incurred by the distrainer on account of the distraint or sale, as the case may be, or where the costs, charges and expenses properly incurred by the sale officer as incident to the sale or attempted sale exceed the sale-proceeds, in which case such excess shall be deducted from the amount deposited and the balance, if any, shall be returned to the applicant.

18. *Receipt for payments of arrears due.*—Every person making a payment towards any money due for the recovery of which application has been made under these rules shall be entitled to a receipt for the amount signed by the distrainer or the sale officer, as the case may be; such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

By Order of the Governor,  
KHEM CHAND,  
Secretary to the Government.

*Notifications under*

**Rajasthan Co-operative Land Mortgage Banks Act, 1956**

*First Published in Raj. Raj-patra part I (b) dated September 13, 1962 at page 81*

Co-operative Department-II

**NOTIFICATION**

*Jaipur, August 28, 1962.*

No. F. 14 (39) GA/61.—In exercise of the powers conferred by sub-section (1) of section 30 of the Rajasthan Co-operative Land Mortgage Banks Act, 1956 (88 of 1956), the State Government hereby authorises the Manager of the Rajasthan Central Co-operative Land Mortgage Bank Ltd., and Secretaries of Primary Co-operative Land Mortgage Banks, to summon witnesses and requisition documents when trying suits filed under provisions of the said Act, subject to such restrictions, limitations and conditions as have been prescribed or may be prescribed from time to time.

By Order of the Governor,

G. L. MEHTA,

Secretary to the Government.

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*Rules and Notifications under*

CO-OPERATIVE SOCIETIES ACT, 1953. THE  
RAJASTHAN (4 OF 1953).

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# THE RAJASTHAN CO-OPERATIVE SOCIETIES RULES, 1957

## CO-OPERATIVE DEPARTMENT NOTIFICATION.

*Jaipur, August 24, 1957.*

No. F. 23 (1) 52.—In exercise of the powers conferred by section 88 of the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953) in force in the area of the pre-reorganisation State of Rajasthan, the State Government hereby makes the following rules after previous publication, namely:—

### Notes

Section 88 of the Rajasthan Co-operative Societies Act, 1953 authorises the State Government to make rules, for the whole or any part of Rajasthan and for any Society or class of societies, for carrying out the purposes of the Act. Sub-section (2) of Section 88 requires that in particular and without prejudice to the generality of this power such rules may—

- (a) subject to the provisions of section 9, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member;
- (b) prescribe the forms to be used and the conditions to be complied with in the making of applications for the registration of a society and the procedure in the matter of such applications;
- (c) prescribe the matters in respect of which a society may or shall make by-laws and the procedure to be followed in making, altering and abrogating by-laws and the conditions to be satisfied prior to such making, alteration or abrogation;
- (d) prescribe the conditions to be complied with by persons applying for admission or admitted as members and provide for the election and admission of members and the payment to be made and the interests to be acquired before the exercise of the right of membership;
- (e) provide for ascertaining the value of a deceased member's share or interest;
- (f) provide for general meetings of the members and for the procedure at such meetings and the powers to be exercised by such meetings;
- (g) provide for the appointment, suspension and removal of the members of the committee and other officers and for the procedure at meetings of the committee and for the powers to be exercised and the duties to be performed by the committee and other officers;
- (h) prescribe the accounts and books to be kept by a society and provide for the audit of such accounts, and the charges, if any, to be made for such audit and for the periodical publication of a balance sheet showing the assets and liabilities of a society;
- (i) prescribe the returns to be submitted by a society to the Registrar and provide for the persons by whom and the form in which such returns shall be submitted;
- (j) provide for the persons by whom and the form in which copies of documents or entries in books of societies may be certified, and for the charges to be levied for the supply of such copies;
- (k) provide for the formation and maintenance of a register of members, and where the liability of the members is limited by shares, of a register of shares;
- (l) prescribe the payments to be made and the conditions to be complied with by members applying for loans and the period for which loans may be made, and the amount which may be lent to an individual member;
- (m) provide for the formation and maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of a society;

*These rules have been first published in Rajasthan Raj-patra Dated October 3, 1957 part IV (c) at page 481.*

(n) prescribe the prohibitions and restrictions subject to which societies may trade or transact business with persons who are not members;

(o) prescribe the extent to which a society may limit the number of its members;

(p) prescribe the conditions under which profits may be distributed to the members of a society and the maximum rate of dividend and bonus which may be paid by societies;

(q) prescribe the procedure to be followed in presenting and disposing of appeals;

(r) provide for securing that the share capital of any society shall be variable in such a way as may be necessary to secure that shares shall not appreciate in value and what necessary capital shall be available for the society as required;

(s) provide that persons qualified under the by-laws of a society shall not be excluded from membership without due cause;

(t) prescribe the procedure to be followed by a liquidator appointed under sections 52, 53 and 60;

(u) prescribe the mode of appointment of an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators and for fixing and levying the expenses of determining the dispute;

(v) provide for the issue and service of processes and for proof of service thereof;

(w) provide for the writing off of bad debts;

(x) regulate the manner in which funds may be raised by means of shares or debentures or otherwise;

(y) provide for the withdrawal and expulsion of members and for the payment to be made to them and for the liabilities of past members;

(z) provide for the nomination of a person to whom the interest of a deceased member may be paid or transferred;

(aa) prescribe the cases in which an appeal shall lie from the order of a liquidator appointed under sections 52, 53 and 60;

(bb) provide for the inspection of documents in the Registrar's office and the levy of fees for granting certified copies of the same;

(cc) prescribe the procedure to be followed for the custody of property attached and its sale under sections 63 and 69;

(dd) provide for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by Co-operative societies to any provident fund which may be established for the benefit of officers and servants employed by them;

(ee) prescribe the period and terms under which Government aid may be given to Co-operative societies and the terms under which the Government may guarantee the payment of the principal of and interest on loans borrowed and debentures issued by societies;

(ff) prescribe the manner in which any property shall be delivered to and the terms and conditions subject to which such property shall be held by a society under section 68;

(gg) subject to the provisions of section 8 prescribe the procedure to be followed when societies change their form of liability;

(hh) provide for the investigation of claims and objections that may be preferred against any attachment effected by the Registrar or an officer empowered by him;

(ii) prescribe the procedure for the attachment and sale of property under section 78;

(jj) prescribe the conditions to be fulfilled and the qualifications to be possessed by a member of the paid staff of a society and removal of such a member not fulfilling these conditions;

(kk) prescribe the procedure and the standard for keeping the fluid resources by every financing institutions; and

(II) provide for all matters expressly required or allowed by this Act to be prescribed by rules.

Sub-section (3) of section 88 requires the previous publication of the rules. And Sub-section (4) provides that all rules, made under this section shall be published in Rajasthan Gazette and such publication shall have effect as if enacted under this Act.

1. *Short title.*—These rules may be called the Rajasthan Co-operative Societies Rules, 1957.

2. *Extent.*—They extend only to the area in the State which was comprised in the pre-reorganisation State of Rajasthan.

3. *Interpretation.*—(1) In these rules, unless there is anything repugnant in the subject or context :—

- (i) 'the Act' means the Rajasthan Co-operative Societies Act, 1953, (Rajasthan Act No. IV of 1953);
- (ii) 'Central Bank' means, a Central Society the principal object of which is to finance societies which are its members including individual members;
- (iii) 'central society' means a society of which at least one member is another society;
- (iv) 'credit society' means a society the primary object of which is to create FUNDS TO BE LENT TO ITS MEMBERS;
- (v) 'fluid resources' means such of the assets of a society as can be converted into ready cash at once;
- (vi) 'form' means a form annexed to these Rules;
- (vii) 'maximum liability' means the maximum amount that can be borrowed by a society it does not include share-capital and funds;
- (viii) 'owned capital' means the total of its paid up share capital, and its accumulated reserve and other funds;
- (ix) 'president' means the president of the general body of members of a society elected in accordance with these Rules and the bye-laws of a society and includes the person for the time being acting as President;
- (x) 'primary society' means a society of which no member is another society;
- (xi) 'sales society' means a society formed with the object of obtaining and distributing goods, to and selling the produce of, its members and dividing among its members in a proportion prescribed by the rules or by the bye-laws of such society, the profits accruing from supply and distribution;
- (xii) 'Secretary' means a person who, subject to the control of the committee of the Society, has the management of the affairs of the society and includes a member of the committee or any other person discharging the duties of a Secretary;
- (xiii) 'section' means a section of the Act;



(xiv) 'working capital' of a society means the total of its paid up share capital, its borrowings and its accumulated reserve and other funds;

(2) Unless the context otherwise requires, (a) the General Clauses Act, 1897, of the Central Legislature shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act, and (b) words and expressions defined in the Act and not defined in these Rules shall have the meanings respectively assigned to them in the Act.

## REGISTRATION

4. *Application for Registration.*—(a) Every application for the registration of a society under sub section (1) of section 12 shall be in form A.

(b) In addition to the copy of the proposed bye laws which is required to accompany the application for registration under sub-section (3) of section 12, two other copies of such bye-laws shall be forwarded therewith and all the three copies shall be signed by any two of the applicants duly authorised in that behalf.

(c) In case where one of the members of the society to be registered is a society, a member of the Committee of such society shall be authorised by such Committee by resolution to sign the application for registration and the bye-laws on its behalf, and a copy of such resolution shall be appended to the application.

5. *Procedure on receipt of application.*—(a) The Registrar shall examine the application and the bye laws in order to satisfy himself;

- (i) that the application and the bye-laws are in conformity with the Act and these Rules;
- (ii) that the bye laws are suitable for carrying out the object of the Society; and
- (iii) that the proposed society has reasonable chances of success with reference to local conditions;
- (iv) and may, before passing final orders, call for such further information or make such inquiry as he may deem necessary.

(b) It shall also be competent to the Registrar before registering a society to make such alterations in the draft bye-laws submitted with the application for registration as he may deem advisable, provided that the written consent of the applicants is obtained to such alterations.

(c) If the Registrar is not satisfied on all or any of the points mentioned in clauses (i), (ii) and (iii) or sub-rule (a) he shall refuse to register the society; but if he is satisfied on all the said points he may register the society; and its bye-laws and grant to such society free of cost a certificate of registration signed by him and bearing his official seal; and he shall also issue to the society along with the certificate of registration a certified copy of the draft bye-laws as

approved and registered by him, and these bye-laws shall, subject to the result of any orders passed on appeal or in revision as provided is the Act, by the bye-laws of the society.

(d) In every case in which the Registrar refuses to register the society he shall record in writing the reasons for this refusal and shall communicate his decision to the applicants, free of cost by registered post.

### BYE-LAWS

6. *Matters in respect of which a society shall or may make bye-laws.*—(a) The matters in respect of which every society shall make bye-laws are the following :—

- (i) the names and address of the society and its branches, the tribe, class or occupation of its members if the membership is proposed to be so restricted, and the area for which it is to be registered;
- (ii) the object of the society, the purposes to which its funds are applicable, the terms of admission of members and their rights and liabilities, the consequences of default in payment of any sum due by a member, and in the case of credit societies, the conditions on which loans may be granted, and the rate of interest and the system of calculation of interest and the maximum number of members that may be admitted; and in the case of non-credit societies, the mode of conducting business, purchase, sale, stocktaking, and other like matters;
- (iii) cessation of membership by resignation or expulsion whether on account of becoming disqualified for membership or otherwise;
- (iv) the payment to be made or interest to be acquired before the exercise of the rights of membership;
- (v) the transfer of share or interest of members, if any;
- (vi) the mode of holding meetings, and subject to the provision of rule 6 the matter of making, altering and abrogating bye-laws;
- (vii) the mode of appointment and removal of members of the committee and of the officers, if any, and the duties and powers of the committee and officers;
- (viii) the manner in which capital may be raised;
- (ix) the mode of custody and of investment of funds and, subject to rules 25, 31 and 32 the mode of keeping the accounts;
- (x) the authorisation of an officer or officers to sign documents and to institute, defend, compromise and abandon suits and other legal proceedings on behalf of the society; and
- (xi) the disposal of the net profits.

(b) Every society may make bye-laws in respect of any other matters incidental to the management of its business.

## AMENDMENTS OF BYE-LAWS

7. *Procedure regarding the amendment of bye laws.*—(a) The following procedure shall be adopted in regard to amendments to the bye-laws of a society :—

- (i) Every amendment shall be made only by a resolution passed by a majority of not less than 2/3rd of the members who are present at a meeting of the general body of the members of the society;
- (ii) No such resolution shall be valid unless notice of the amendment proposed has been given in accordance with the bye-laws;
- (iii) Every application made to the registrar for the registration of an amendment shall be signed by the President and the Secretary of the society and shall contain the following particulars, namely :—
  - (1) The date of the general body meeting at which the amendment was made;
  - (2) The number of day's notice given to convene the general body meeting;
  - (3) The total number of members of the society on the date of such meeting;
  - (4) The number of members who formed the quorum for such meetings;
  - (5) The number of members present at such meetings; and
  - (6) The number of members who voted for the amendment;
- (iv) Two copies of the proposed amendment along with a copy of the original bye laws or bye-laws as the case may be, signed by the two officers mentioned in clause (iii) shall be submitted along with the application for registration.

(b) In every case in which the Registrar refuses to register an amendment to the bye-laws of a society, he shall communicate his decision to the society along with the reasons recorded by him therefor.

## CHANGE OF LIABILITY

8. (a) When a society desires to change the form of the liability of its members, it shall issue a notice for the purpose in the manner specified in sub rule (d) and adopt at its special general meeting a resolution to that effect.

(b) A copy of such resolution duly signed by the President and the Secretary of the Society shall be sub-mitted to the Registrar along with an application for according his approval to such change.

(c) When the Registrar has approved the proposed change the society shall forthwith proceed to make such amendment in its bye-laws as may be necessary to and consequential upon the effecting such change and submit an application in the manner provided in Rule 6 for the registration of the said amendments.

(d) The notice required by clause (i) of the proviso to sub-section (1) of section 8 shall be issued under a certificate of posting:

Provided that such certificate shall not be necessary in the case of a primary agricultural credit society.

9. *Restrictions on membership.*—(a) No person shall be eligible for admission as a member of a society if he :—

- (i) is an applicant to be adjudicated an insolvent, or is an undischarged insolvent, or
- (ii) is adjudged by a court of competent jurisdiction to be of unsound mind, or
- (iii) has been sentenced for any offence other than an offence of political character or an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned.

(b) A member of a society shall cease to be member of the society, if he:—

- (i) applies to be adjudicated, or is an adjudicated insolvent; or
- (ii) is sentenced for any such offence as is described in clause (iii) of sub-rule (a) ;

Provided that where a person ceases to be a member of a society under clause (i) he shall be restored to membership of the society if and when the sentence is annulled on appeal or revision.

(c) The provision of clause (iii) of sub rule (a) and clause (ii) of sub-rule (b) shall not apply to a person seeking admission to or to a member of a society exclusively formed for the reclamations of habitual offenders.

(d) No person, being a member of a Credit Society or of any society dispensing credit other than a land mortgage bank of central-financing society or a sale society, shall be a member of any other society of a similar type, without the general or special sanction of the Registrar, and where a person has become a member of two or more societies, any or all of such societies shall be bound to remove him from membership upon receiving a written requisition from the Registrar.

(e) No person who is a member of a society with unlimited liability shall be a member of another society with unlimited liability without the sanction of the Registrar, and where a person has become a member of two such societies, either or both shall be bound to remove him from membership, upon a requisition from the Registrar to that effect.

(f) Except with the previous sanction of the Registrar, no joint stock company shall be a member of a society.

(g) Every person, before being admitted to the membership of a society, shall sign a declaration that he will be bound by the existing bye-laws of the society, and by any modifications of, or additions to, such bye-laws that may be legally effected during the period of his membership.

(h) A person who is already a member by reason of his having joined the application for the registration of a society shall, under pain of expulsion, be required to sign such declaration within one month of registration.

10. *Disabilities of defaulting members.*—No member who is in default to his society in respect of any loan or loans taken by him, for such period as is prescribed in its bye-laws or for a period exceeding three months whichever is shorter or who is a defaulter to any other society, of which the first mentioned society is a member, shall be appointed to represent the society, of which he is member in any other society, and vote and any member of a society who has been appointed to represent the society in another society and vote, shall cease to hold his appointment as such if he is in default or becomes a defaulter as aforesaid.

11. *Withdrawal and expulsion from membership.*—(a) A member of a society may, provided he is not in debt to his society or is not a surety for an unpaid debt, withdraw from the society after giving one month's notice to the society.

(b) A member may be removed or expelled from the society only in accordance with such procedure and for such cause as may be prescribed by the bye-laws.

12. *Shares and Nominations.*—(a) The shares of a society shall not be hypothecated to that society by its members as a security for a loan.

(b) If a member resigns his membership of a society or is removed under rule 10 (b) or dies, the sum representing the value of his share or interest in the capital of the society to be paid to him, or to his nominee, heir or legal representative shall be ascertained as under:—

(i) In the case of a society with unlimited liabilities it shall be the actual amount received by the society in respect of such share or interest.

(ii) In the case of a society with limited liability it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the resignation, removal, or death of such member, provided that it shall not exceed the actual amount received by the society in respect of such share or interest.

13. (a) Every member of a society may nominate a person or persons to whom in the event of his death his share or interest in the society shall be paid or transferred. But no member may nominate more than one person in societies with share capital, unless he holds more than one share, and in any case, unless the amount to be paid to such nominee whether by way of whole shares or by fixed proportion of the amount available for transfer, as the case may be, is duly specified when the nominees are appointed. In

the event of no nomination having been made, his share or interest in the society shall be paid or transferred to such person as may appear to the committee to be the heir or legal representative of such member.

(b) Every nomination made by a member shall be in writing under his hand which shall be deposited with the society during his life time or by a statement in a book kept for the purpose by the society bearing his signatures or thumb impression. Such writing or statement shall be attested by two witnesses.

(c) A nomination made by a member may be revoked or varied by him, by another nomination similarly made.

14. *General Meetings.*—(a) Unless a specific majority has been provided for in the rules or bye laws question before a general meeting shall be decided by a majority of votes of the members present thereat and voting.

(b) A society which is a member of a central society, may appoint by a general or special resolution of its committee a person to represent it at meeting of the central society; provided that the person so appointed shall either be—

- (i) himself a member of the society appointing him, or
- (ii) a member of a society which is a member of the control society appointing him.

(c) A person appointed under sub-rule (b) shall cease to hold such appointment if (a) he ceases to be a member of the society appointing him or (b) the society of which he is a member ceases to be a member of the central society appointing him.

(d) The annual general meeting shall:—

- (i) fix the maximum liability of the society;
- (ii) consider its annual returns and audited balancesheet for the previous year;
- (iii) consider the audit certificate and audit note;
- (iv) elect the members of the committee; and
- (v) transact such other business as may be brought before it.

(e) (i) Subject to the provision contained in subsection (2) of section 16, a general meeting shall be convened by the committee.

(ii) Unless otherwise provided in the bye-laws a notice of the meeting stating the place, date and hour of the meeting together with a statement of business to be transacted at it shall be sent to every member to clear days before the date of the meeting in the manner provided in the bye-laws

(iii) Any alleged non receipt of the notice by any member shall not invalidate the proceeding of any meeting.

(f) (i) Every society shall cause minutes of the proceedings of general meetings to be entered in a book kept for that purpose.

(ii) Unless the minutes are drawn up and are duly signed by the President immediately on the termination of the meeting, the minutes free from all alterations or corrections, shall be drawn up and shall be signed by the Secretary and the President within sev-

enty-two hours from the time when the meeting terminated. The minutes so signed shall be evidence of the proceedings of that meeting.

(iii) Until the contrary is proved, every general meeting of a society, in respect of the proceedings whereof minutes have been so recorded, shall be deemed to have been duly called and held.

(g) (i) A resolution which is put to the vote of general meeting shall be decided on a show of hands unless a poll is demanded by at least ten members and agreed to be the President and if no poll is demanded, a declaration by the President of such meeting that resolution has been carried or lost and any entry to that effect in the minutes of the proceedings shall, for the purposes of the Act, be conclusive proof of the fact that such resolution has been duly carried or lost but it shall not be proof of the number of proportion of the votes recorded in favour of or against such resolution.

(ii) If a poll is demanded, the votes shall be taken in such manner and at such time as the President of the meeting directs subject to any provision in the bye-laws in this behalf, and the result of such poll shall be deemed to be the decision regarding the resolution over which the poll is demanded.

(iii) Subject to these rules and the bye-laws, when a poll is taken the voting may be by ballot, if the President of the meeting so decides.

(iv) When a poll is taken the number of members voting for or against a resolution shall be recorded in the minutes of the proceedings.

(v) Voting by proxy shall not be permissible.

(h) (i) The President, or, in his absence, the Vice President of a society shall preside over the general meeting of a society. In the absence of the President and the Vice-President, the members present shall elect one from amongst themselves to preside over the meeting.

(ii) The President shall maintain order and shall control and conduct the proceedings in such manner as may be conducive to expeditious and satisfactory disposal of business. He shall decide all points of order and his decision upon such points shall be final.

(iii) The President may direct any member to withdraw for disorderly conduct and the member so ordered shall immediately withdraw and unless otherwise directed by the President shall remain absent during the remaining period of the meeting and shall not be entitled to vote without the permission of the President.

(iv) In the event of disorder, the President may suspend the meeting and adjourn it to such date or time as he may fix.

(i) (i) Unless otherwise provided in the bye-laws, the quorum for general meeting shall be one-fifth of the total number of members subsisting as such on the date of notice of the meeting.

(ii) No business shall be transacted at any meeting unless there is a quorum at the time when the business of the meeting is due to commence.

(iii) The President shall adjourn a meeting to the same day in the next week at the same time and place—(i) if within one hour from the time appointed for such meeting, a quorum is not present, or (ii) if at any time during such meeting, or sufficient members are not present to form a quorum and his attention is drawn to this fact.

(iv) At the meeting adjourned as specified in clause (iii) no quorum shall be necessary for the transaction of business provided that:—

- (a) no proposal for the amendment of the bye laws of the society shall be considered or disposed of at an adjourned meeting; and
- (b) at an adjourned meeting only such business shall be transacted as shall have been specifically included in the statement of business for the original meeting or as shall remained undisposed at the meeting.

15. *Committee and Officers*—(a) Subject to the provisions contained in sub-section (2) of section 20 and in section 51 the committee of a society shall be constituted in the manner provided in its bye-laws.

(b) The committee of a society shall have at least five members elected at the general meeting of the society.

(c) A casual vacancy in the office of an elect member shall be filled up by co-option by the remaining members. Any member so co-opted shall retire at the next annual general meeting and the vacancy thus caused shall be filled up at such meeting by the election of a member for the remainder of the term of office of the member in whose place the vacancy originally occurred.

(d) No person shall be eligible for appointment as a member of the committee of any society, if he—

- (i) is under twenty-one years of age; provided that in the case of societies in schools and colleges a person above 18 years of age shall also be eligible for such appointment, or
  - (ii) is an applicant to be adjudicated an insolvent or is an undischarged insolvent, or
  - (iii) has been sentenced for any offence other than an offence of a political character or an offence not involving moral delinquency, such sentences not having been reversed or the offence pardoned, or
  - (iv) is of unsound mind, deaf mute or a leper, or
  - (v) holds any office or profit under the society provided that in case of societies composed of artisans or workmen, a member in receipt of a salary from the society man, with the approval of the Registrar, given by a general or a special order, be a member of the committee.
- (e) A member of the committee of any society shall cease to hold his office as such, if he—



- (i) cease to be member of the society (unless he is a nominated or co-opted member); or
- (ii) applies to be adjudicated, or is adjudicated, an insolvent; or
- (iii) is sentenced for any such offence as is described in clause (iii) of sub-rule (d) of this rule; or
- (iv) becomes of unsound mind, deaf, mute or a leper; or
- (v) accepts any office of profit under the society subject to the provision to clause (v) of sub-rule (d) of this Rule :

Provided that where a person ceased to be a member of the committee under clause (iii) he shall be restored to office for such portion of the period for which he was appointed as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision and any person elected to fill the vacancy in the interim period shall on such restoration vacate office.

(f) A delegate of one society sitting on the committee of another society shall cease to be a member of such committee—

- (i) if the society which appointed him as a delegate withdraws him or appoints another delegate in his stead; or
- (ii) if he was appointed as delegate by a society, on the supersession of the committee of such society under section 51; or
- (iii) if the registration of the society of which he is the delegate is cancelled.

(g) Subject to any regulations or restrictions laid down in the bye-laws, the committee shall exercise all the powers of the society except those reserved for the general meeting.

(h) In the conduct of the affairs of a society every member of the committee shall exercise the prudence and diligence of an ordinary man of business and shall not perform any act contrary to the Act, these rules or the bye-laws of the society.

(i) Notice of a meeting of the committee shall be given in writing in any society to every member specifying the place, date and hour of the meeting together with a statement of the business to be transacted thereat, not less than seven days or such less period as may be provided in the bye-laws, before the date of the meeting; Provided that any urgent business though not included in the statement accompanying the notice may be brought up and considered with the consent of all the members present at the meeting.

(j) (i) The Committee shall meet for the transaction of the business of the society at least once in every three months:

Provided that if there be no business to be laid before the committee, the President may direct that it shall not be necessary to hold any meeting in during such period of three months and the Secretary shall give notice of the fact to each member.

(ii) Every resolution at a meeting of the committee shall be decided by a majority of votes and if the votes be equal the President shall have second and a casting vote.

(k) The President of a society shall preside over all meetings of the committee at which he is present. In the absence of the President, the Vice-President shall take the chair, or in his absence the members present shall elect one amongst themselves to preside over the meeting.

(l) Unless a larger proportion is provided in the bye-laws, the quorum at a meeting of the committee shall be one-third of the total number of members.

(m) (i) Any three members or such larger number as may be laid down in the bye-laws may requisition a special meeting of the committee by giving seven clear days' notice.

(ii) The requisition shall specify the objects of the meeting and shall be signed by the requisitionists and shall be delivered at the office of the society.

(iii) At such special meeting no business other than that specified in the notice shall be transacted.

(n) The committee shall exercise such of the following powers as are provided in its bye-laws to be exercised by the committee:—

- (i) to admit new members and to fine, suspend, remove or expell existing members;
- (ii) to raise funds;
- (iii) to invest funds;
- (iv) to appoint salaried or non-salaried employees for conduct of the business of the society and to define their duties;
- (v) to compound or abandon or delay to enforce any debt or demand of the society or to institute, defend, compromise or withdraw legal proceedings;
- (vi) to dispose of applications for shares;
- (vii) to appoint such sub-committees as may be deemed necessary from time to time;
- (viii) to dispose of applications for loans, and to determine the security to be taken; and
- (ix) to appoint such sub-committees as may be deemed necessary from time to time.

(o) The Committee shall observe in all its transactions the provisions of the Act, these Rules and the byelaws of the society and shall perform or cause to be performed the following duties, namely—

- (i) to receive and disburse money;
- (ii) to maintain true account of money received and expended and accounts of the assets and liabilities.
- (iii) to prepare for submission to the annual general meeting—
  - (i) an annual report on the working of the society,
  - (ii) an annual statement of accounts which shall include—
    - (a) cash account;
    - (b) balance sheet;
    - (c) profit and loss account and
    - (d) profit and loss appropriation account—
- (iv) to prepare the statements of the accounts required at audit

and to place them before the auditors,

- (v) to prepare and submit all statements and returns required by the Registrar in such forms as he may direct,
- (vi) to enter accounts of the society regularly and punctually in proper books,
- (vii) to maintain a register of members up-to-date:
- (viii) to facilitate the inspection of books by those entitled to inspect them,
- (ix) to convene general meetings on requisition;
- (x) to convene annual general meeting in due time;
- (xi) to watch that loans and advances are supplied to the purposes for which they are made and that they are punctually repaid;
- (xii) to examine and take prompt action in cases of all arrears and defaults in repayments of loans and advances, and
- (xiii) to perform such other duties as may be entrusted by the general meeting.

(p) Unless otherwise provided in the Act, these Rules or the bye laws of a society, the President, or, in the absence of the President the Vice President shall, for the transaction of the business of the society in cases of urgency, exercise all powers and perform all duties required to be exercised, and performed under the Act, these Rules or the bye-laws of the society by the committee, except the power of sanctioning loans.

Provided that the President shall not act in opposition to or in contravention of any order given or decision taken by the committee.

(q) All orders passed and all acts done by the President or the Vice-President in the absence of the President under sub-rule (p) shall be placed for confirmation before the committee in the meeting immediately following.

(r) The proceedings of the meeting of the committee shall be recorded in a book kept for the purpose, which shall be signed by the President and the Secretary.

(s) (i) The President or any other Officer of a society may be removed from his office by a resolution of a general meeting specially convened for the purpose.

(ii) The committee may remove any member who fails to attend three consecutive meetings of the committee without the permission of the President obtained in writing.

(iii) Unless otherwise provided in the bye-laws or in the terms of his appointment any employee of a society appointed by the committee may be removed from his office by the committee.

16 *Borrowing.*—(a) Subject to the approval of the Registrar and the Financing Bank to which the society is affiliated and provided also that the society wants to obtain loans from it, the extent to which a society may receive moneys by way of deposits or loans shall not exceed:—

- (i) In case of a primary society [ten] times its paid up share capital and the aggregate of its reserves,
- (ii) In case of a credit society with unlimited liability, the aggregate of the maximum credit limits of its members minus its owned capital, and
- (iii) In case of Central Society including a financing bank twelve times its paid up share capital and the aggregate of its reserves.

*Notes*

In clause (i) of rule 16 (a), the word "ten" appearing in brackets has been substituted for the word "eight" vide Co-operative Department Notification No. F. 9 (59) SEA/59 dated June 21, 1962, published in Rajasthan Rajpatra, part iv (c) dated July 12, 1962.

(b) The Registrar, may at any time reduce the maximum liability of a society, for reasons to be communicated by him to the society in writing and may prescribe a period not being less than four months within which the society shall comply with his order.

(c) No society shall receive deposits in current or in savings account without the special sanction of the Registrar.

(d) Subject to the provisions of sub-rule (c) of this rule a primary society, which is a member of a central bank may not contact a loan except from the central bank of which it is a member, without the special sanction of the Registrar.

(e) In calculating the total amount of liability of a society for the purposes of this rule, the following deductions shall be made from its actual liabilities :—

- (i) in the case of an agricultural, purchase and sale society or a society of which one of its purposes is such purchase and sale, a sum equal to the amounts borrowed by such society from a central bank [or the State Bank of India or any of its subsidiaries or a Scheduled Bank] for giving advances on the security or agricultural produce;
- (ii) in the case of a central bank a sum equal to the face value of the gittedged securities owned by its, such value not exceeding twice the paid up share capital of the bank and such securities being deposited in the custody of the Rajasthan State Co-operative Bank.

*Notes*

Words appearing in brackets have been inserted vide Co-operative and Animal Husbandry (Group 1) Department Notification No. F. 9 (102) CA/60 dated April 12, 1961, published in Rajasthan Rajpatra, part iv (c) supplement to Rajasthan Gazette No. 14 dated July 6, 1961.

17. *Restrictions on borrowing by Rajasthan State Co-operative Bank.*—The Rajasthan State Co-operative Bank Limited, shall not incur liabilities exceeding in total [fifteen] times the total amount of its paid up share capital and all reserves, including the reserve fund, reserve, sinking fund for deventures, dividend equalization reserve,

reserve for bad debts and reserve for over due interest, minus accumulated losses, actual bad debts, if any and over due interest :

Provided that the Bank may incur liabilities in excess of the above limit by receiving deposits, subject to the observance of the conditions that the amount received as deposits in excess of the said limit shall not be utilised in the ordinary business of the Bank but shall be invested in Government securities or advances against Government securities or short term deposits with such banks as may be approved by the Registrar.

#### Notes

Words "fifteen" appearing in brackets have been substituted for the words "twelve" in rule 17 vide Co-operative Department Notification No F. 9 (59) SEA/59 dated August 16, 1962, published in supplement to Rajasthan Gazette No. 22 dated August 30, 1962 part iv (c).

18. *Government aid to societies.*—The Government may grant loans to take shares in, or given any other financial assistance to, any society which makes an application in this behalf, for any of the following purposes, namely :—

- (i) facilitating the production of commodities or disposal thereof by the member;
- (ii) conducting and developing agriculture or industry undertaken by a society;
- (iii) redemption of prior debts of members, purchases and improvement of lands by members or construction of any project for providing irrigation facilities for the benefit of the members;
- (iv) construction of dwelling houses by the societies or by its members;
- (v) repayment of money previously borrowed by a society in accordance with its bye-laws;
- (vi) maintenance of staff of efficient management of the society;
- (vii) recouping any loss in part or in whole sustained due to circumstances over which the society had no control;
- (viii) for purchase of vehicles, machineries, equipments that may be necessary for the objects as stated in the bye-laws of a society; and
- (ix) for any other object which the Government may deem proper.

19. *Fluid Resources.*—(a) All societies which obtain any portion of their working capital by deposits shall maintain fluid resources according to the following scale :—

- (i) 40% of deposits at call or on current account and Cash Credits and overdrafts already sanctioned but not drawn;
- (ii) 25% of savings deposits;
- (iii) 25% of fixed deposits maturing within 3 months;
- (iv) 12½% of fixed deposits maturing within 6 months.

*Note* :—Deposits matured but not drawn are to be treated as deposits at call for the purpose of calculation of fluid resources.

(b) The fluid resources may be in one or more of the following forms :—

- (i) Cash in hand, or in banks or with bankers approved by the Registrar;
- (ii) Government securities, including post office cash certificates;
- (iii) post office savings bank accounts;
- (iv) other investment of a liquid nature in outside concerns approved by the Registrar;
- (v) the undrawn portion of assured cash credit with—
  - (1) any joint stock bank or private bankers approved by the Registrar; or
  - (2) the State Apex Bank or a Central Bank.

(c) Under special circumstances the committee may with the approval of the Registrar decrease the proportions of the liquid cover as mentioned in sub-rule (a).

20. *Land and Investments*.—(a) No society shall make any loan to a member on a bond secured by the suretyship of a non-member, except with the permission of the Registrar.

(b) A primary society the object of which is to supply credit or its members shall fix a sum which the outstandings against any member should not exceed; the limit so fixed shall, in the case of primary society which is a member of a central bank and is indebted to it, be subject to the consent of the central bank concerned and in other cases to the general or special approval of the Registrar.

(c) With the previous sanction of the Registrar, a society may invest any portion of its funds in the purchasing or taking on lease of land or buildings.

(d) Subject to such regulations as may be formed and such restrictions as may be imposed in this behalf by the Registrar, he may permit a central bank or a primary society with limited liability to invest its funds in

- (i) discounting or rediscounting bills of members, and
- (ii) in collecting their bills and railway receipts.

(e) Loans to member shall be made on such conditions, to such extent and for such periods as may be provided in the bye-laws, subject to any instructions, that may be issued through a general or special order by the Registrar.

21. *Transaction with non-members*.—(a) A society whose object is the purchase of goods for retail sale to its members shall not in the ordinary course of business sell goods to non-members

except during such period as the Registrar may by general or special order permit.

(b) A society whose object is the manufacture or sale of commodities for the profit of the society shall not purchase the produce of non-members except during such period as the Registrar may by general or special order permit.

22. *Distribution of profits.*—(a) No part of the profits of a society shall be distributed by way of bonus or dividend or otherwise amongst its members unless the entire expenditure incurred by such society has been debited in the annual profit and loss account;

Provided that any loss or portion of the loss on account of bad debts written off during the year may not be so debited if it be deducted from any bad debt fund, or, with the sanction of the Registrar, from the reserve Fund :

Provided further that no distribution or payment of dividend shall be allowed until entire losses of the previous year or years have been made up.

(b) All interest which is over due and all interest earned but not received shall be deducted from the profits for the purpose of arriving at the distributable profits of the society for any year. All interest which has been so deducted and recovered during subsequent years may be added to the profits of such subsequent years.

(c) No society shall pay its members a dividend exceeding 10 percent in any year on the paid up share capital standing in the name of each member.

No dividend shall be payable on the amount paid up on any share which has not been held for at least 6 months at the close of the year for which profits are being distributed. On share held for a period less than a year and more than six months, dividend shall be payable for six months only. Beyond the dividend no bonus shall be payable on shares.

(d) A distributive society or a producer's society may allow rebate to its members on the goods purchased or articles supplied by a member during the year, provided the percentage of rebate does not exceed  $6\frac{1}{4}$  of the value of the goods so supplied, or purchased.

In a credit society with unlimited liability :—

(a) No distribution of profits shall be allowed for ten years from the date of its registration. In case of an amalgamated or a divided society the date of the registration of the older society shall be taken to be the date of reckoning the period.

(b) All the interest due but not realised shall be carried to a Bad and Doubtful debt fund unless otherwise directed by the Registrar.

(c) After the distribution of ten years profits the distribution of annual profits shall be as is prescribed in Rule 21.

24. *Registrar's sanction for distribution*—No allocation or distribution or profits of a society shall be made without the previous sanction of the Registrar, Deputy Registrar, or as istant Registrar, who soever is competent to register such society.

*Notes.*

Present rule 24 stands substituted for the previous one vide Notification No F. 11 (23) C, A/60 dated August 13, 1961.

25. *Reserve and other Funds.*—(a) The reserve fund of any society may be invested or deposited in any of the modes permitted by the Act or these rules. In the case of a society constituted with the object of Co-operative housing on a co-partnership tenancy basis, the reserve fund may be utilised for expenditure on the maintenance, repair and renewal of the buildings of the society.

(b) The reserve fund of a society shall be available, with the sanction of the Registrar, for being utilised for any of the following purposes, subject to the conditions that the amount drawn shall be re-imbursed as directed by the Registrar; unless the Registrar dispenses with such re-imbursement in special cases :—

- (i) to meet unforeseen losses incurred by the society;
- (ii) to meet such claims of the creditors of the society as can not otherwise be met; and
- (iii) to provide for other financial needs in times of special scarcity.

(c) No society whose reserve fund has been separately invested or deposited shall draw upon pledge or otherwise employ such fund except with the sanction of the Registrar previously obtain in writing.

(d) The reserve fund shall be individable and no member shall have any claim to a specified share in it :

Provided that in the case of the splitting up of a society into two or more societies, the reserve fund of the parent society may, with the sanction of Registrar, be distributed equitably (with regard to the condition of each society) between the parent society and the new society or societies. The amounts so distributed shall be placed in the reserve funds of the societies concerned.

(e) The other funds created by any society may when not utilised for the purposes for which they are create be used in the business of the society, or be invested or deposited in the same manner and subject to the same conditions as the reserve fund of such society is permitted to be used, invested or deposited under the Act and these rules.

(f) A society may, with the previous sanction of the Registrar, invest the whole or any portion of funds in the purchasing or taking on lease of land or in the acquisition, construction or renewal



of any building that may be necessary to conduct its business. The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar.

26. *Registers, Accounts, Documents & Returns.*—(a) Every credit society shall keep the following accounts and books, viz :—

- (i) A register of members including persons nominated by them;
- (ii) A register of Shares and Debentures ( where capital is raised by shares or debentures );
- (iii) A share transfer register ( where capital is raised by share or debentures );
- (iv) Cash and Accounts;
- (v) Members and Loans account;
- (vi) Deposit account;
- (vii) Loan register;
- (viii) Interest account;
- (ix) Expense account;
- (x) Bank account;
- (xi) Minute book, recording the proceeding of general meeting and committee meeting;
- (xii) Register of members' credit-worthiness;
- (xiii) Such other accounts and books as may from time to time be required by the Registrar;

Provided that the Registrar may exempt any society or class of societies from the operation of clause (xi) mentioned above.

(b) Societies other than credit societies shall keep the accounts and books mentioned in clauses (i), (iv) and (xi) of sub-rule (a) and such other accounts and books as may from time to time be required by the Registrar.

(c) The Registrar may, by order in writing, direct any society to get any or all the accounts and books required to be kept by it under sub-rules (a) and (b) written up to such date in such form and within such time as he may specify.

27. In addition to the documents mentioned in clause (a) to (e) of section 25 every society shall keep open to inspection a copy of the latest audited balance sheet and a list of members of its committee.

28. *By whom copies of entries may be certified.*—For the purpose specified in sub section (1) of section 36 of the Act, a copy of an entry in the books of a society shall be certified :—

- (i) in the case of a society by the Secretary or any other officer of the society specified in its bye-laws, or

(ii) when an order has been passed under section 52 or 53 of the Act, appointing a liquidator of the society by the liquidator.

(b) The certificate shall state that it is a true copy of the original entry in the book and that such book is still in the possession of the society.

(c) The person authorised to sign such a certificate shall give below his signature, his designation and date of giving the certificate.

29. *Inspection of documents.*—Members of societies or the public may inspect the public documents in the office of the Registrar on payment of a fee of rupee one for each occasion, and may obtain certified copies of the following on payment of the fees mentioned against each :—

Application for registration of society.	-/4/- each
Bye-laws of registered societies	-/4/-per folio.
Amendment of bye-laws of a registered society.	-/4/-per folio.
Certificate of registration.	-/4/- each
Orders for winding up the affairs or cancellation of the registration of a society.	-/4/-per folio.
Audit memorandum of a registered society.	-/4/-per folio.
Annual balance sheet.	-/4/-per folio.
Orders against which an appeal is provided under the Act.	-/4/-per folio.

Provided that documents privileged under section 123, 124, 129 & 131 of the India Evidence Act shall not be open to inspection.

#### Notes

The documents referred to in sections 123, 124, 129 & 131 of the Indian Evidence Act are not open to inspection. These sections are reproduced below:

No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

No public officer shall be compelled to disclose communication made to him in official confidence; when he considers that the public interest would suffer by the disclosure.

No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communication as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

No one shall be compelled to produce documents in his possession, which any other person would be entitled to refuse to produce if they were in his possession, unless such last mentioned person consents to their production.

Last item appearing in brackets above the proviso to rule 29 has been newly added vide Notification No. F. 11 (157) CA/60 dated February 19, 1962 published in Rajasthan Raj-patra, part IV (c) dated April 26, 1962.

30. *Keeping and preparation of accounts.*—(a) The accounts of every society shall be kept for each period of 12 months beginning on the first day of July and ending on 30th day of June next following.

(b) Every society shall prepare its annual account within 2 months of the 30th day of June each year.

31. *Contents of Annual Accounts.*—The annual accounts of a society shall include :—

- ✓ (i) a revenue statement, showing the receipts and disbursements of the society during the year;
- (ii) a balance sheet showing the assets and liabilities of the society as they stood on the 30th June immediately proceeding; and
- (iii) a profit and loss statement showing the income ( or profit ) and expenditure ( or loss ) of the society during the year.

32. *Registrar may require statements and returns to be furnished.*—(a) Every society shall submit to the Registrar annually within such time as he may direct a copy of statement specified in rule 30. After the Registrar has verified the statements and granted his audit certificate, the society shall publish the audit certificate, and such of the statements as he may direct in the manner directed by him.

(b) All distribution and productive societies shall submit every year to the Registrar, in addition to the copies of the statements specified in sub-rule (a) a statement of verification of the stock on hand at the close of the year, within such time as he may direct.

33. *Periodical Financial Statements to be furnished.*—All societies classified by the Registrar as Central Banks or as Urban Banks with a working capital or more than Rs. 50,000/- shall submit to him quarterly finance statement in the form prescribed by Government for the quarters ending March 31st, June 30th, Septem-

ber 30th and December 31st, not later than April 15th, July 31st, October 15th, January 15th, respectively.

34. *Audit*.—(a) The audit of every society shall be completed during the course of the year following that to which the accounts relate, but in the case of a central society the audit shall be completed within three months of the date fixed by the Registrar for the submission of the Annual Returns mentioned in rule 30 (b).

(b) A central society shall not take into consideration at its Annual General Meeting, or publish, a balance sheet which has not been audited and in which the auditor's certificate has not been incorporated.

34A. *Levy of Audit fees*.—Audit fees at the rate prescribed in the schedule I shall be levied on all co-operative Societies, except the following and shall be recoverable in the manner prescribed under section 77 for the recovery of other amounts due to the State Government under the Act :—

1. Co-operative Societies of Scheduled Tribes and Scheduled Castes,
2. Co-operative Societies of less than 5 years' standing.

#### *Notes*

Rule 34 A and its Schedule-I has been newly added vide Co-operative Department Notification No. F. 9 (22) SCA/59 dated June 20, 1962 published in Rajasthan Rajpatra, supplement to No. 19, part iv (c) dated August 9, 1962.

35. *Arbitration*.—(a) (i) When a dispute has been referred to the Registrar under section 61, the Registrar shall issue a notice to all parties, and unless any of them desires within 15 days of the issue of such notice that the matter be referred to arbitration, or unless the Registrar suspends proceeding under sub-section (2) of the said section he shall proceed to decide the dispute himself or make over the same for decision by his nominee.

(ii) When any of the parties desires that the matter be referred to arbitration the Registrar shall call on each party to nominate its arbitrator within 15 days and to send a statement signed by the proposed arbitrator about his willingness to serve as an arbitrator. When there are more persons than one on each side, the principal

party on each side will have the right to nominate the arbitrator. In such cases the Registrar will decide who is the principal party and his decision shall be final.

(iii) Where either of the parties fails to make a nomination within the period aforesaid the Registrar may nominate an arbitrator on behalf of such party.

(iv) The Registrar or his nominee will act as umpire and will fix the date and place of hearing the dispute and carry on necessary correspondence in connection with the disposal of the case.

(v) When any dispute is made over for decision by the Registrar nominee or is referred to arbitration, and is not decided within two months or such further period as the Registrar may from time to time extend, the Registrar may decide the dispute himself, provided that, in case of reference to arbitration, the Registrar may make it over for decision by his nominee.

(b) The Registrar may special order to be notified in the Rajasthan Gazette, appoint any person to perform the duties of his nominee for disputes arising within any area specified in the order, for a period to be specified in the order, such period shall not ordinarily exceed one year but may be extended by special order for a further period not exceeding one year in each case.

(c) The Registrar or his nominee and the arbitrators shall have power to order the expenses of determining the disputes to be paid out of the funds of the society, or by such party or parties to the dispute as they may think fit, subject to a maximum determined by the following scale which amount may, however be exceeded only for special reasons with the approval of the Government For a claim of Rs. 100 or part thereof ... .. 2/-.

When it exceeds Rs. 100/- but does not exceed Rs. 200/-  
2/-/-

When the claim exceed Rs. 200/-, 4/- for first.

. 200 and for every

Rs. 100/- in excess Rs. 200/-

or part thereof 1 percent

upto a maximum of Rs. 30/-only in ordinary cases and up to a maximum of Rs. 60 in special complicated cases.

The Registrar may order the party applying for arbitration to deposit in advance the approximate cost of the proceedings with him or with some central co-operative Bank.

The Registrar may fix the fees to be paid to his nominee out of the expenses so recovered.

(d) The Registrar or his nominee shall record a brief note in vernacular of the evidence of the parties and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either side, a decision or award, as the case may be shall be given in accordance with justice, equity and good conscience. It shall be reduced to writing by the Registrar or his nominee and announced to the parties present. If any party duly summoned to attend fails to appear, the dispute may be decided *ex parte*. In case where three arbitrators are appointed, the opinion of the majority shall prevail. In case the equality of votes, it shall be decided by the Registrar himself.

(e) In these proceedings no party shall be represented by a legal practitioner.

(f) A copy of the decision or award shall be given on application on payment of the usual fee prescribed under the Rules. Such copies shall be certified and sealed as the Registrar may direct.

(g) The decision or the award shall contain the number of the reference, the names of and description of the parties and particulars of the dispute and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded. In case of an *ex parte* award this fact shall also be mentioned. No award shall be considered illegal merely on the ground that the above mentioned procedure was not correctly followed.

(h) An award obtained against a society shall be executed against its assets in hand.

*Explanation :* Assets of a society include, among other amount owed to the society by members.

36. *Liquidation.*—Where a liquidator has been appointed under section 52 or section 53 the following procedure shall be adopted :—

- (i) The appointment of liquidator shall be notified by the Registrar in the Rajasthan Gazette;
- (ii) On the appointment of a liquidator he shall forthwith proceed to take charge of the books, property and all other assets of the society, and publish by such means as he may think proper a notice requiring all claims against the society to be notified to him within two months of the publication of the notice. He shall thereafter proceed to take such further action as he is empowered to take under the Act. All liabilities recorded in the account,

books of a society shall be deemed to have been duly notified to the liquidator.

- (iii) The liquidator shall make separate orders against the various members and past member, or heir of the deceased members of the society, noting the amounts to be realised from each as a contribution under clause (d) or section 56 and as the cost of liquidation under clause (i) of the said section. These orders shall be submitted for approval to the Registrar, who may confirm or modify them or refer them back to the liquidator for further inquiry or other action.
- (iv) If the sum assessed against any person is not recovered, the liquidator may frame a subsidiary order or orders against any other person or persons noting the extent of further liability of each for the debts of the society until the whole amount due under clauses (d) and (i) of Section 56 is recovered. These subsidiary orders shall be dealt with in the same way as orders under clause (iii) of this Rule.
- (v) The liquidator shall submit a progress report to the Registrar in such form and at such intervals as the Registrar may require.
- (vi) All funds in charge of the liquidator shall be deposited in the post office Saving Bank or in a Co-operative Bank or in the Imperial State Bank of India and shall stand in his name, ex-officio.
- (vii) At the conclusion of the liquidation proceedings a General Meeting of the members of the society shall be called, at which the liquidator shall summarise his proceedings, point out the causes of the failure of the society and report what sum, if any, remains in his possession after meeting all the liabilities of the society as determined under Rules. He will also invite applications and suggestions for the use of the surplus money, if any, and submit the same to the Registrar for his orders.
- (viii) No appeal shall lie against the orders of the liquidator previously approved by the Registrar.
- (ix) When an order directing a society to be wound up is issued under section 52 and no liquidator is appointed the officers of the society which is wound up shall, within 15 days of the publication of the order in the Rajasthan Gazette, send by registered book-post or railway parcel, the records and books of the society to the Registrar or hand over the same to the Local Auditor.
- (x) When the affairs of a society for which liquidator has been appointed have been wound up, the liquidator shall forward all the books and records of the society, and all his own papers and proceedings, by railway parcel to the

Registrar together with an account of his expenses showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over.

- (xi) All the books and records of a society whose registration has been cancelled, and the proceedings of liquidation shall be destroyed by the Registrar, after the expiry of three years from the date of the order cancelling the registration of the society.
- (xii) The Registrar shall keep an account of all the surplus money received from the liquidators of the cancelled societies and the disposal or deposit of this money.

37. *Conditional Attachment before Award.*—(a) To every conditional attachment under Section 63, the provisions of section 60 to 64 and Rules 5 to 12 of order XXXVIII of the Code of Civil Procedure, 1908, shall so far as may be, apply as if such attachment were ordered by a competent Civil Court.

(b) The Registrar or his nominee or the arbitrators, as the case may be, ordering conditional attachment under section 63, may appoint a receiver for the custody of property attached in compliance with such order in accordance with and subject to the provisions of order XL of the Code of Civil Procedure, 1908.

38. *Transfer of property under section 68.*—(a) In a case contemplated in sub-section (1) of section 68 the court or the Collector, as the case may be shall in the first instance refer the case to the Registrar detailing the circumstances under which any specified property can not be sold and if the latter consents to the transfer of that property to the society, shall call upon the society concerned by notice to state the terms and conditions upon which it is prepared to accept the transfer of the said property.

(b) On receipt of a notice under sub-rule (a) the society may, within three months from the date of the receipt of the notice submit an application in writing to the court or the Collector, as the case may be, stating the terms and conditions on which it agrees to take over such property.

(c) On receipt of an application under sub-rule (b) notices shall be issued to the defaulters and to all persons known to be interested in the property, about the intended transfer.

(d) On receipt of such notice, the defaulter, or any person owning such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under section 67 may, within one month from the date of the receipt of such notice, deposit with the Court or the Collector as the case may be, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector as the case may be.



(e) On failure of the defaulter, or any person interested, or any person holding any interest in the property to deposit the amount under sub-rule (d) the Court or the Collector, as the case may be, shall direct the property to be transferred to the society on term and conditions which shall be stated in the certificate to be granted in Form 'B'.

(f) The certificate granted under sub-rule (e) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(g) If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the court or the Collector as the case may be, shall on the production by the society of a certificate signed by Registrar, recover the balance due to the society in the manner prescribed in section 67.

(h) The transfer of the property under section 68, shall be effected in the following manner:—

(i) Where the property so transferred is movable, it shall be delivered to a person authorised in that behalf by the society in the manner laid down in Rules 79, 80, and 81 of order XXI of the Code of Civil Procedure 1908.

(ii) where the property so transferred is immovable its delivery shall be effected in the manner laid down in Rules 95 and 96 of order XXI of the Code of Civil Procedure, 1908.

(iii) in the case of transfer of a growing crop before it has been cut and gathered, the society shall be entitled to enter on the land and to do all that is necessary for the purpose of tending, cutting and gathering it.

(i) Where land is transferred to the society before a growing crop is cut or gathered the society shall pay the current year's land revenue in respect of the land.

(j) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any, according to such scale as may be fixed by the Government from time to time.

(k) The society shall forthwith report any transfer under sub-rule (a) to the village Patwari for information and entry in the Record of Rights.

(l) The society to which property is transferred under section 68 shall maintain for each defaulter a separate account showing all the expenses incurred including payment of outside encumbrances, hand, revenue and other dues on the property and all the income derived from it.

(m) The society to which property is transferred under section 68 shall use its best endeavour to sell the property as soon as practicable to the best advantage of the society as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property. The sale shall be subject to confirmation

by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rule (j) and (l) and than in the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any) shall then be paid to the defaulter.

(n) Until the property is sold the society to which the property is transferred under section 68 shall use its best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(o) When the society to which property is transferred under section 68 has realised all its dues under the order in execution of which the property was transferred the property, if unsold, shall be restored to the defaulter.

39. *Procedure for recovery of sums under section 78.*—(a) A society or a liquidator may apply to the Registrar for the recovery of any amount or sum specified in section 78, in form 'C' and to every such application the provisions of Part II and order XXI of the Code of Civil Procedure, 1908 shall, so far as may be, apply except as otherwise, provided in the Act or these Rules.

(b) Upon receipt of an application under sub-rule (a) the Registrar may either himself proceed to recover such amount or sum or empower any person subordinate to him to do so.

(c) The provisions of Part II and order XXI of the Code of Civil Procedure, 1908, shall, so far as may be, apply to and govern all proceeding taken upon such application by the Registrar or the person empowered by him, except in so far as is otherwise provided in the Act or these Rules.

(d) Notwithstanding anything contained in clauses (a) and (b) of and the provision to sub rule (1) of rule 22 of order XXI of the Code of Civil Procedure, 1908, but subject to the provision contained in sub-rule (2) of the said rule, (a) issued to the defaulter a notice requiring him to show cause on a date to be fixed against the application.

(e) For the recovery of any sum due to the Government under clause (b) of section 78, no application shall be necessary and the Registrar may on his own motion proceed as specified in sub rules (b), (c) and (d) or empower any person subordinate to him to do so.

#### Notes

The provisions of Code of Civil Procedure, 1908 referred in rules 37, 38. and 39 are as under :—

Sec.60. (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned all other saleable property, movable or immovable, belonging to the judgment-debtor or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf :

Provided that the following particulars shall not be liable to such attachment or sale, namely :

(a) the necessary wearing-apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children, and, such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(b) tools of artisans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seedgrain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section ;

(c) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him ;

(d) books of account ;

(e) a mere right to sue for damages ;

(f) any right of personal service ;

(g) stipends and gratuities allowed to pensioners of the Government or of a local authority or payable out of any service family pension fund notified in the Official Gazette by the Central Government or the, State Government in this behalf, and political pensions ;

(h) the wages of labourers and domestic servants, whether payable in money or in kind ;

(i) salary to the extent of the first hundred rupees and one-half the remainder [in execution of any decree other than a decree for maintenance] :

Provided that, where such salary is the salary of a servant of the Government or the servant of a railway company or local authority, and the whole or any part of the portion of such salary liable to attachment has been under attachment, whether continuously or intermittently for a total period of twenty-four months, such portion shall be exempt from attachment until a expiry of the further period of twelve months and, where such attachment has been made in execution of one and the same decree, shall be finally exempt from attachment in execution of that decree ;

(i-a) one-third of the salary in execution of any decree for maintenance ;

(j) the pay and allowances of persons to whom the [Air Force Act, 1950, or] the Army Act, 1950 or of persons other than commissioned officers to whom the Indian Navy (Discipline) Act, 1934, applies ;

(k) all compulsory deposits and other sums in or derived from any fund to which the Provident Funds Act, 1925, for the time being applies in so far as they are declared by the said Act not to be liable to attachment ;

(l) any allowance forming part of the emoluments of any servant of Government or of any servant of a railway company or local authority which the appropriate Government may by notification in the Official Gazette declare to be exempt from attachment, and any subsistence, grant or allowance made to any such officer or servant while under suspension ;

(m) an expectancy of succession by survivorship or other merely contingent or possible right or interest ;

(n) a right to future maintenance ;

(o) any allowance declared by any Indian law, to be exempt from liability to attachment or sale in execution of a decree ; and

(p) where the judgment-debtor is a person liable for the payment of land-revenue, any movable property which, under any law for the time being applicable to him, is exempt from sale for the recovery of an arrear of such revenue.

*Explanation I.*—The particulars mentioned in clauses (g), (h), (i), (j), (l) and (o) are exempt from attachment or sale whether before or after they are actually payable and in the case of salary other than salary of a servant of the Government or a servant of a railway company or local authority the attachable portion thereof is exempt from attachment until it is actually payable.

*Explanation II.*—In clauses (h) and (i), 'salary' means the total monthly emoluments, excluding any allowance declared exempt from attachment under the

provisions of clause (i), derived by a person from his employment whether on duty or on leave.

*Explanation III.*—In clause (i) “appropriate Government” means—

(i) as respects any public officer in the service of the Central Government, or any servant of a railway administration or of a cantonment authority or of the port authority of a major port, the Central Government;

(ii) *Omitted by A. O. 1948.*

(iii) as respects any other servant of any other local authority, the State Government.

(2) Nothing in this section shall be deemed to exempt houses and other buildings (with the materials and sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent of any such house, building; site or land.

64. Where an attachment has been made, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other monies contrary to such attachment, shall be void as against all claims enforceable under the attachment.

*Explanation.*—For the purpose of this section, claims enforceable under an attachment include claims for the rateable distribution of assets.

*Order XXXVIII, rules :*

5. (1) Where, at any stage of a suit, the Court is satisfied, by affidavit or otherwise, that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,—

(a) is about to dispose of the whole or any part of his property, or

(b) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court,

the Court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

(2) The plaintiff shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

(3) The Court may also in the order direct the conditional attachment of the whole or any portion of the property so specified.

6. (1) Where the defendant fails to show cause why he should not furnish security, or fails to furnish the security required, within the time fixed by the Court, the Court may order that the property specified, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached.

(2) Where the defendant shows such cause or furnishes the required security, and the property specified or any portion of it has been attached, the Court shall order the attachment to be withdrawn, or make such other order as it thinks fit.

7. Save as otherwise expressly provided, the attachment shall be made in the manner provided for the attachment of property in execution of a decree.

8. Where any claim is preferred to property attached before judgment such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for the payment of money.

9. Where an order is made for attachment before judgment, the Court shall order the attachment to be withdrawn when the defendant furnishes the security required together with security for the costs of the attachment, or, when the suit is dismissed.

10. Attachment before judgment shall not affect the rights, existing prior to the attachment of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

11. Where property is under attachment by virtue of the provisions of this Order and a decree is subsequently passed in favour of the plaintiff, it shall not be nece-

ssary upon an application for execution of such decree to apply for a re-attachment of the property.

12. Nothing in this Order shall be deemed to authorize the plaintiff to apply for the attachment of any agricultural produce in the possession of an agriculturist, or to empower the Court to order the attachment or production of such produce.

#### *Order XL, rules—*

I. (1) Where it appears to the Court to be just and convenient, the Court may by order—

- (a) appoint a receiver of any property, whether before or after decree ;
- (b) remove any person from the possession or custody of the property;
- (c) commit the same to the possession, custody, or management of the receiver

and (d) confer upon the receiver all such powers, as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as owner himself has, or such of those powers as the Court thinks fit.

(2) Nothing in this rule shall authorize the Court to remove from the possession or custody of property any person whom any party to the suit has not a present right so to remove.

2. The Court may by general or special order fix the amount to be paid as remuneration for the services of the receiver.

3. Every receiver so appointed shall—

- (a) furnish such security (if any) as the Court thinks fit, duly to account for what he shall receive in respect of the property ;
- (b) submit his accounts at such periods and in such form as the Court directs ;
- (c) pay the amount due from him as the Court directs ; and
- (d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

4. Where a receiver—

- (a) fails to submit his accounts at such periods and in such form as the Court directs, or,
- (b) fails to pay the amount due from him as the Court directs, or
- (c) occasions loss to the property by his wilful or gross negligence.

the Court may direct his property to be attached and may sell such property, and may apply the proceeds to make good any amount found to be due from him or any loss occasioned by him, and shall pay the balance (if any) to the receiver.

5. Where the property is land paying revenue to the Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may, with the consent of the Collector, appoint him to be receiver of such property.

#### *Order XXI, rules—*

22. (1) Where an application for execution is made—

- (a) more than one year after the date of the decree, or
- (b) against the legal representative of a party to the decree,

or where an application is made for execution of a decree filed under the provisions of section 44-A, the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause; on a date to be fixed, why the decree should not be executed against him :

Provided that no such notice shall be necessary in consequence of more than one year having elapsed between the date of the decree and the application for execution is the application is made within one year from the date of the last order against the party against whom execution is applied for, made on any previous application for execution, or in consequence of the application being made against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

(2) Nothing in the foregoing sub-rule shall be deemed to preclude the Court from issuing any process in execution of a decree without issuing the notice thereby prescribed, if, for reasons to be recorded, it considers that the issue of such notice would cause unreasonable delay or would defeat the ends of justice,

79. Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) Where the property sold is movable property in the possession of some person other than the judgment-debtor, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

(3) Where the property sold is a debt not secured by a negotiable instrument, or is a share in a corporation, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making and transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the corporation from permitting any such transfer or making any such payment to any person except the purchaser.

80. (1) Where the execution of a document or the endorsement of the party in whose name a negotiable instrument or a share in a corporation is standing is required to transfer such negotiable instrument or share, the Judge or such officer as he may appoint in this behalf may execute such document or make such endorsements as may be necessary, and such execution or endorsement shall have the same effect as an execution or endorsement by the party.

(2) Such execution or endorsement may be in the following form namely :

A. B. by C. D. Judge of the Court of (or as the case may be), in a suit by E. F. against A. B.

(3) Until the transfer of such negotiable instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same ; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself.

81. In the case of any movable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct ; and such property shall vest accordingly.

95. Where the immovable property sold is in the occupancy of the judgment-debtor or of some person on his behalf or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property and a certificate in respect thereof has been granted under rule 94, the Court shall, on the application of the purchaser, order delivery to be made by putting such purchaser or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

96. Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under rule 94, the Court shall, on the application of the purchaser, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

40. *Miscellaneous service of processes.*—(i) Every order, notice, summons or other process issued under the act or these Rules shall be in writing and shall be authenticated by the signature and seal, if any, of the officer by whom it is issued.

(ii) Every such summons shall required the person summoned to appear before the said officer at a stated time and place, and shall

specify whether his attendance is required for the purpose of giving evidence; or to produce a document or for both purposes, and any particular document the production of which is required shall be described in the summons with reasonable accuracy.

(iii) Any person may be ordered to produce a document, without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such documents to be produced instead of attending personally to produce the same.

(iv) The service of an order, notice, summons or other process on any person may be effected in any of the following ways:—

- (1) by giving or tendering it to such person, or
- (2) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family, or
- (3) if the address of such person is known by sending it to him by post registered, or
- (4) if none of the means aforesaid is available by affixing it in some conspicuous part of his last known place of abode or business.

(v) Where the serving officer delivers or tenders a copy of the order, notice, summons or other process personally or to an agent or other person on behalf of the person to be served, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original summons.

(vi) The serving officer shall in all cases in which the service has been effected under sub-rule (v) endorse or annex or cause to be endorsed or annexed on or to the original summons a return stating the time when and the manner in which it was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender thereof.

(vii) Where the person to be served is a public officer or is the servant of a railway company or local authority, the officer issuing the order, notice, summons or other process that it may be most conveniently so served, send it by registered post repaid for acknowledgment for service to the head of the office in which he is employed together with a copy to be retained by the latter.

(viii) Service of the President or the Secretary or the Manager of a society shall be regarded as service on that society.

(ix) The sufficiency or otherwise of service shall be decided by the officer or authority which ordered the same.

41. Cost of service of summons and Batta to the person called shall be paid by the person at whose instance the enquiry or inspection is made. In case of arbitration and liquidation it will be paid by the society concerned and will be treated as cost of arbitration or liquidation as the case may be. If the Registrar or any other per-

sons authorised by him calls any person to tender evidence or any document the society concerned shall pay the cost.

The rate of Batta or cost of service shall be fixed by the Registrar by a general or special order shall maintain.

42. *Papers to be maintained by Registrar.*—The Registrar shall maintain :—

- (i) The Registration Register showing the names and addresses of all societies;
- (ii) a copy of the registration certificates;
- (iii) a copy of the registered bye-laws of a society and amendments effected in such bye-laws;
- (iv) a copy of every order directing the winding up of the affairs of a society;
- (v) a copy of every order cancelling the registration of a society;
- (vi) a copy of every order directing the liquidation of a society and appointment of a liquidator; and
- (vii) the annual accounts of a society for the past three years.

43. *Writing off of losses.*—Losses may be written off against the reserve fund of any society, and in the case of limited liability societies, if the losses exceed the reserved fund the balance remaining may be written off against the share-capital of the society :

Provided that (i) no losses shall be written off without the sanction of a general meeting; (ii) before any such losses are so written off the society, if it is affiliated and indebted to a Central Bank, shall obtain the approval of that Central Bank in writing which approval shall be given after consultation with the Registrar, and shall be countersigned by him. If the society is not so affiliated or if the Society is so affiliated and is not indebted to the Central Bank at shall first obtain the approval of the Registrar the approval of in writing and (iii) if the society is itself a Central Bank, Rajasthan State Co-operative Bank Ltd., given in consultation with and countersigned by the Registrar shall first be obtained. Provided further that the Registrar may while according or countersigning the approval imposed such conditions as to the approval as to restora-



tion of past to or the whole of amount written off to the Reserve Fund from out of future profits, as he deems fit. Explanation 'LOSSES' include losses on account of bad debts also.

44. *Procedure in appeals.*—(i) An appeal under the Act shall be prepared in the form of a memorandum signed by the party and accompanied by a copy of the order, decision or award appealed against and shall be duly stamped;

(ii) The memorandum shall set forth concisely and under distinct heads the grounds of objection without any argument or narrative and such grounds shall be numbered consecutively ;

(iii) Such appeal may be presented by the party personally or by registered post or through a duly authorised legal practitioner;

(iv) When an appeal has been presented as aforesaid, the appellate authority may if it thinks fit stay further proceedings in the matter pending the disposal of such appeal;

(v) The appellate authority shall fix a date for the hearing of the appeal and shall serve upon the appellant as well as the Registrar, Co-operative Societies, Rajasthan, Jaipur and every other person affected or likely to be affected by the order, decision or award appealed against, a notice of the date so fixed and the provisions of rule 40 shall apply to such notice and its service.

(vi) On the date originally fixed for hearing or on such further date to which the hearing may be adjourned, the appellate authority shall hear such of the persons, to whom the notice under sub-rule (v) shall have been given, as may be present and may make or direct to be made, such further inquiry as the appellate authority may consider proper and necessary in the interests of justice.

(vii) In deciding the appeal, the appellate authority may confirm, set aside or modify the order, decision or award appealed against or may direct any further inquiry to be made.

*Notes.*

Sub-rule (v) appearing previously has been deleted and sub-rules (v), (vi) and (vii) have now been added vide Notification No. F. 13 (12) CA/60 dated February 14, 1962, published in Raj.Raj-patra, part iv (c) dated April 26, 1962.

By order of the Governor,  
BALWANT SINGH,  
*Secretary to the Government.*

FORM 'A'

[ *Rule 4 (a).* ]

**Form of application for Registration of a Co-operative Society.**

1. Name of the proposed society.
2. Class of society and liability.
3. Address of the society.
4. Area of operation.
5. Number of houses in (4).
6. Predominant tribes.
7. Number of members at present.
8. Occupation of members.
9. Estimated unsecured debts of members.
10. Area mortgaged by member's and the mortgage money.
11. Capital with details of shares, deposit fees etc.

12. Annual shares.

13. Rates of interest to be charged on loans.

14. Managing committee.

We, the undersigned apply that the above society may be registered as a Co-operative society under section 13 of Rajasthan Act (iv) of 1953. We enclose herewith 3 copies of the proposed bye-laws of our society.

### FORM 'B'

Form of Certificate for Transfer or property under Section 68.

[ See Rule 38 (c) ]

In the case of immovable property :—

Whereas in execution of the award or awards passed under section 61 or an order or orders made by a liquidator under section 56 of the Rajasthan Co-operative Societies Act, 1953, in favour of the Society..... an order was made on the .....day of ..... for the sale of the undermentioned property of the person or persons ( defaulter or defaulters ) and whereas the court or the Collector is satisfied that the said property cannot be sold for want of buyers.

It is hereby ordered under sub-section (1) of section 68 of the said Act that the right, title and interest of the defaulter shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Schedule hereto annexed.

## DESCRIPTION OF THE PROPERTY

Survey No.	Area and Assessment	Nature of right, title and interest of the defaulter	Details of encumbrances to which property is subject.
------------	---------------------	--	---

The said property is transferred to society in full/partial satisfaction of the amount due to it from the defaulter.

Given under my hand and the seal of the Court or Collector this.... day of.....

*Court of Collector.*

In the case of movable property—

(The form will be similar with necessary changes as regards the description and delivery of the property).

S. No.	Name of member	Father's Name	Caste and occupation	Age	Residence	Nominee	Signature or thumb mark.
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Form under Rule 38 of the Rules issued under the Rajasthan Co-operative Societies Act IV of 1953.

FORM C  
[ Rule 39 (a) ]

I, ..... (on behalf of the Co-operative Society), holder of a decree, an award, a decision, an order obtained (by the said society) for realisation of money hereby apply for execution of the decree, award, decision or (copy enclosed) under the provision of section 78 of the Rajasthan Co-operative Societies Act, 1953.

1. Name of parties.

(a) Plaintiff.

(b) Defendant (hereinafter called defaulter).

(c) In the case of an order, contributory (hereinafter called defaulter).

2. Date of decree, award, decision or order.

3. Whether any payment or adjustment has been made subsequent to the decree, award, decision or order, If so, furnish details.

4. Previous applications for execution, if any, with date and result.

5. Amount with interest, due under the decree, award, decision or order.

6. Against whom to be executed ?

7. Manner in which the assistance of the Assistant Registrar of the area is required; (for instance) I pray that the total amount of Rs. together with interest on the principal sum up to date of payment and the costs of taking out the execution be realised by—

(i) the sale of movable property of the defaulter;

(ii) attachment and sale of defaulter's immovable property as per annexed schedule;

- (iii) simultaneous attachment and sale of movable and immovable property of the defaulter, with reasons therefor.

I declare that what is stated herein is true to the best of my knowledge and belief.

Station. . . . .

*Signature of applicant.*

Dated. . . . .

(ANNEXURE TO FORM 'C')

*Statement showing particulars of decree, award, decision or order obtained by the applicant on behalf of Co-operative Society.*

*District.*

1. Admission No.
2. Name of member.
3. Father's name.
4. Residence of the member.
5. Amount of decree, award, decision or order.
6. Interest from the date of decree, award, decision or order to the date of filling the present application less any amount received during the interval (give details):
7. Rate at which subsequent interest accrues.
8. Relief prayed; whether movable or immovable property is desired to be proceeded against first.
9. Description of immovable property to be proceeded against (set out full particulars of Area, survey numbers, nature of land, rental value and capital value etc.).
10. Interest or share of defaulter in the immovable property.
11. Encumbrances.
12. Remarks.

*Notes.*--Particulars for column 11 should be furnished when the amount for the realisation of which the sale is held exceed Rs. 100/- Where the particulars for column 11 are not filled up, the applicant shall furnish to the Sale Officer within 30 days of attachment of immovable property an encumbrance certificate from the Registration Department or a period of not less than 12 years prior to the date of the execution application on which the sale is ordered of the rules issued under the Rajasthan Co-operative Societies Act, 1953.

## SCHEDULE-I

*Schedule of audit fee for different kind of societies.*

- (1) Primary Agricultural Credit Societies :—  
(Agricultural Credit, Large sized, Multipurpose, Gram Bank and Primary Land Mortgage Bank).
- |     |  |                   |
|-----|--|-------------------|
| (1) | On the first Rs. 5,000/- of working capital. | Nil.              |
| (2) | On the next Rs. 10,000/-                     | $\frac{1}{4}\%$   |
| (3) | " 10,000/-                                   | $\frac{1}{10}\%$  |
| (4) | " 25,000/-                                   | $\frac{1}{20}\%$  |
| (5) | " 50,000/-                                   | $\frac{1}{30}\%$  |
| (6) | " 50,000/-                                   | $\frac{1}{75}\%$  |
| (7) | On the remaining working capital             | $\frac{1}{100}\%$ |

*Note :—*Subject to a minimum of Rs. 15/- and a maximum of Rs. 150/-.

- (2) Primary Non-agricultural Credit Societies :—  
(Salary earners and credit and Thrift societies).
- |     |   |                  |
|-----|---|------------------|
| (1) | On the first Rs. 5,000/ of working capital. | Nil.             |
| (2) | On the next Rs 10,000/-                     | $\frac{1}{4}\%$  |
| (3) | " 10,000/-                                  | $\frac{1}{10}\%$ |
| (4) | " 25,000/-                                  | $\frac{1}{20}\%$ |
| (5) | " 50 000/-                                  | $\frac{1}{30}\%$ |
| (6) | On the remaining working capital.           | $\frac{1}{75}\%$ |

*Note :—*Subject to a minimum of Rs. 25/- and a maximum of Rs. 150/-.

- (3) Agricultural Non-credit Societies :—
- (a) Producers, Farming, Sheep Breeding, Ghee Grass, Poultry, Vegetable growers societies.
- |     |   |                  |
|-----|---|------------------|
| (1) | On the first Rs. 10,000/- of working capital. | Nil.             |
| (2) | On the next Rs. 15,000/-                      | $\frac{1}{4}\%$  |
| (3) | " 25,000/-                                    | $\frac{1}{10}\%$ |
| (4) | " 50,000/-                                    | $\frac{1}{20}\%$ |
| (5) | " 50 000/-                                    | $\frac{1}{30}\%$ |
| (6) | On the remaining working capital.             | $\frac{1}{75}\%$ |
- (b) Sales, Marketing, Diary Farming.
- |     |   |                  |
|-----|---|------------------|
| (1) | On the first Rs. 25,000/- of working capital. | Nil.             |
| (2) | On the next Rs. 15,000/-                      | $\frac{1}{4}\%$  |
| (3) | " 25,000/-                                    | $\frac{1}{10}\%$ |
| (4) | " 50,000/-                                    | $\frac{1}{20}\%$ |
| (5) | " 50,000/-                                    | $\frac{1}{30}\%$ |
| (6) | On the remaining working capital.             | $\frac{1}{75}\%$ |

*Note :—*Subject to a minimum of Rs. 25/- and a maximum of Rs 150/-.

- (4) Non-agricultural Non-credit Societies.  
(Producers & sales, School supply Bahudhandi except Consumers Stores, Transport, Housing and Labour contract Societies).

(1) On the first Rs. 5,000/- of working capital.	Nil.
(2) On the next Rs 10,000/-	" $\frac{1}{4}\%$
(3) " 10,000/-	" $\frac{1}{10}\%$
(4) " 25 000/-	" $\frac{1}{20}\%$
(5) " 50,000/-	" $\frac{1}{30}\%$
(6) On the remaining working capital.	" $\frac{1}{75}\%$

Note :—Subject to a minimum of Rs. 25/- and a maximum of Rs. 150/-.

(5) Consumers Stores :—

(i) On the first Rs. 10,000/- of working capital.	Nil.
(ii) On the Next Rs. 15,000/-	" $\frac{1}{4}\%$
(iii) " 25,000/-	" $\frac{1}{10}\%$
(iv) " 50,000/-	" $\frac{1}{20}\%$
(v) " 50,000/-	" $\frac{1}{30}\%$
(vi) On the remaining working capital.	" $\frac{1}{75}\%$

Note :—Subject to a minimum of Rs. 25/- and a maximum of Rs. 200/-.

(6) Transport, Housing and Labour Contract Societies:—

(1) On the first Rs 25,000/- of working capital.	Nil.
(2) On the next Rs. 25,000/-	" $\frac{1}{4}\%$
(3) " 50,000/-	" $\frac{1}{10}\%$
(4) " 50,000/-	" $\frac{1}{20}\%$
(5) " 1,00,000/-	" $\frac{1}{30}\%$
(6) On the remaining working capital.	" $\frac{1}{75}\%$

Note :—Subject to a minimum of Rs. 50/- and a maximum of Rs. 300/-

*APEX & CENTRAL SOCIETIES*

(1) On the first Rs. 1,00,000/- of working capital.	50/-
(2) On the next Rs. 2,00,000/-	" 40/- on every lac or a part thereof
(3) " Rs. 2,00 000/-	" 30/- "
(4) " Rs. 5,00,000/-	" 20/- "
(5) On the remaining capital.	15/- "

Note :—Subject to a maximum of Rs. 600/- in case of Central Financing Agencies and Rs. 700/- in the case of Central Land Mortgage Banks and Apex Institutions.

Besides the above audit fees, the T.A. according to the following rates will also be paid.

1. One 1st class fare both ways to and fro the Chartered Accountant.

2. One III class fare to and fro for the Assistant of the Chartered Accountant.

Above audit fee and T. A. will be payable by the concerning societies. No separate fees will be paid for audit of the branches of the Bank.

Note :—T. A. will only be payable to the Chartered Accountant.

Notifications Under

RAJASTHAN CO-OPERATIVE SOCIETIES ACT, 1953.

*Published in Raj. Raj-patra Vol. 4 No. 223 Dated 31-3-1951 part I at page 1137 :*

CO-OPERATIVE DEPARTMENT.

NOTIFICATIONS.

Jaipur, March 27, 1953.

*No. F. 23 (1) Coop/52.I.*—In exercise of the powers conferred by clause (b) of section 2 of the Rajasthan Co-operative Societies Act, 1953 (No. IV of 1953), the Government of Rajasthan hereby notifies the 1st day of April, 1953 to be the date on which the said Act shall come into force.

By Order of

His Highness the Rajpramukh,  
GANGA SAHAI PUROHIT  
*Secretary to the Government.*

Jaipur, March 27, 1953.

*No. F. 23 (1) Coop/52-II.*—In exercise of the powers conferred by section 6 of the Rajasthan Co-operative Societies Act, 1953 (No. IV of 1953), the Government of Rajasthan is pleased to appoint—

- (1) Shri Rameshwar Prasad Bhargava, R.A.S. to be Registrar of Co-operative Societies for Rajasthan.

*Published in Raj Raj-patra Dated May 30, 1953 part II at pages 241 & 242 :*

Jaipur, May 21, 1953.

*No. 3135 45/C.D. R.-G-I/53.*—In pursuance of the powers conferred upon me under section 26 (1) of the Rajasthan Co-operative Societies Act IV of 1953, I hereby authorise the following officers of the Co-operative Department to audit the accounts of the Co-operative Societies as detailed below:—

- (1) Inspectors and Auditors—All societies in their respective jurisdictions.
- (2) Assistant Inspectors.—Primary societies (not in their own circle) as may be allotted to them by the Inspector concerned.

For purposes of audit these officers shall have the powers mentioned in sub-section (3), (4) and (6) of section 26 of the Act.

Jaipur, May 21, 1953.

*No. 3146-56/C.D.R.-G-I/53.*—In pursuance of the powers conferred upon me under section 47 (1) of the Rajasthan Co-operative Societies Act, IV of 1953, I hereby authorise the following officers of the Co-operative Department to inspect the books of the Co-operative Societies detailed below:—

1. Education Officer, Co-operative Department, Rajasthan.—Any society in Rajasthan in so far as the inspection is necessary for the purposes of imparting education to the trainees.
2. Inspectors and Assistant Inspectors.—All Societies in their respective jurisdictions.



While making inspection these officers shall have all the powers of the Registrar as laid down in sub-section (3) of section 46 of the Act.

R. P. BHARGAVA,  
Registrar Co-operative Societies  
Rajasthan, Jaipur.

*Published in Raj. Raj-patra Dated July 31, 1954 part IV (c) at page 247 :*

## CO-OPERATIVE DEPARTMENT

### NOTIFICATIONS

Jaipur, July 26, 1954.

*No. F. 25 (2) I/Coop./53.*—In exercise of the powers conferred by section 38, clause (a) of the Rajasthan Co-operative Societies Act, 1953 (VI of 1953) and in exercise of all other powers enabling them in this behalf the Government of Rajasthan are pleased to remit the stamp duty with which under any law for the time being in force, instruments executed by or on behalf of any society for the time being registered or deemed to be registered under that Act, or instruments executed by any officer or member of any such society, and relating to the business of the society, or awards of the Registrar or arbitrations under that Act, are chargeable.

Jaipur, July 26, 1954.

*No. F. 25 (2) II/Coop./53.*—In exercise of the powers conferred by section 38 clause (b) of the Rajasthan Co-operative Societies Act, 1953 (Act IV of 1953) and in exercise of all other powers enabling them in this behalf the Government of Rajasthan are pleased to remit the following fees payable under the law of registration of documents for the time being in force, namely:—

(a) all fees payable by or on behalf of any Co-operative Society for the time being registered or deemed to be registered under the Rajasthan Co-operative Societies, Act, 1953, (IV of 1953).

(b) all fees payable in respect of any instrument executed by any officer or member of such a society and relating to the business thereof.

Jaipur, July 26, 1954.

*No. F. 25 (2) III/Coop./53.*—In exercise of the powers conferred by section 38, Clause (b) of the Rajasthan Co-operative Societies Act, 1953 (IV of 1953) and in exercise of all other powers enabling them in this behalf the Government of Rajasthan are pleased to remit all fees payable under the law of court fees for the time being in force by or on behalf of any Co-operative Society registered or deemed to be registered under the Rajasthan Co-operative Societies Act, 1953.

R. D. MATHUR,  
Secretary to Government.

*Published in Raj. Raj-patra Dated February 5, 1955 part I (a) at page 265 :*

## AGRICULTURE DEPARTMENT

### Cooperative Section

## NOTIFICATION

Jaipur, January 21, 1955.

*No. F. 23 (1) Coop/52.*—In exercise of the powers conferred by section 6 of the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953) the Government of Rajasthan is pleased to authorise all Assistant Registrars of the Co-operative Department, Rajasthan, to register Co-operative Societies under the said Act in their respective circles and for that purpose to exercise the power of the Registrar mentioned in sections 13 and 14 of the said Act.

The power conferred by this notification shall be exercised by the Assistant Registrars subject to the general control of the Registrar.

By Order of

His Highness the Rajpramukh,  
B. MEHTA,

*Additional Chief Secretary to the Government.*

*Published in Raj. Raj-patra Dated June 11, 1955 part I (b) at page 218 :*

## CO-OPERATIVE DEPARTMENT

## NOTIFICATION

Jaipur, May 11, 1955.

*No. F. 38 (2) Co.op./55.*—In pursuance of the proviso to section 7 of the Rajasthan Co-operative Societies Act, 1953 (Act No. IV of 1953) the Government of Rajasthan is hereby pleased to order that a society of which the primary object is the creation of funds to be lent to its members, of which the majority of the members are agriculturists and of which no member is a registered society, may be registered with or without limited liability.

By Order of

His Highness the Rajpramukh,  
B. S. MEHTA,

*Additional Chief Secretary  
to the Government.*

*Published in Raj. Raj-patra Dated November 8, 1956 part I (b) at page 652 :*

## AGRICULTURE AND CO-OPERATIVE DEPARTMENT

## NOTIFICATIONS

Jaipur, October 20, 1956.

*No. D No. 398/F. 5 (163) Agr 56.*—In exercise of the powers conferred by section 81 of the Rajasthan Co-operative Societies Act, 1953 (Act No. IV of 1953), the Government of Rajasthan hereby directs that the provisions contained in section 9 (b) of the said Act shall, in case of the Co-operative Sugar Factory at Gajsinghpur, District Ganganagar, apply with the modification that no member of the said society shall have or claim any interest in the shares of the said society exceeding twentyfive thousand rupees.

Jaipur, October 20, 1956.

*No. D. No. 398/F. 5 (163) Agr./56.*—In exercise of the powers conferred by section 81 of the Rajasthan Co-operative Societies Act,

1953 (Act No. IV of 1953), the Government of Rajasthan hereby directs that the provisions contained in section 9 (b) of the said Act shall, in case of the Co-operative Sugar Factory at Mandal, District Bhilwara, apply with the modification that no member of the said society shall have or claim any interest in the shares of the said society exceeding twentyfive thousand rupees.

By Order of,  
His Highness the Rajpramukh,  
BALWANT SINGH,  
*Secretary to the Government.*

*Published in Raj. Raj-patra Dated December 13, 1956 part IV (c) at page 667 :*

### IRRIGATION AND CO-OPERATION DEPARTMENT NOTIFICATION

Jaipur, November 23, 1956.

*No. F-5 (121) Agr./56.*—In exercise of the powers conferred by section 3 of the Co-operative Societies Act, 1912 (Central Act II of 1912), as in force in the Ajmer area, the State Government, hereby confers on the Assistant Registrar of Co-operative Societies for the time being posted for the Ajmer district, the powers of the Registrar in respect of the Registration of primary Societies (i. e., Societies of which no member is a registered Society), in the Ajmer area.

By Order of the Governor.

BALWANT SINGH,  
*Secretary to the Government.*

*Published in Raj. Raj-patra Dated February 28, 1957 part I (b) at page 829 :*

### IRRIGATION AND CO-OPERATIVE DEPARTMENT NOTIFICATION

Jaipur, February 14, 1957.

*No. F. 5 (210) Agr./56.*—In exercise of the powers conferred by section 6 of the Rajasthan Co-operative Societies Act, 1953 (Act No. IV of 1953), the Governor of Rajasthan is pleased to appoint the trained Inspectors of the Co-operative Department in the Development Blocks who have, if graduates, two years' and if non graduates, five years' experience, to assist the Registrar, Co-operative Societies, Rajasthan and to confer upon them the powers of the Registrar in respect of registration of primary Agricultural Credit Societies and Multipurpose Societies excluding large-sized credit Societies.

By Order of the Governor.

BALWANT SINGH,  
*Secretary to the Government.*

*Published in Raj. Raj-patra Dated September 19, 1957 part IV (c) at page 414 :*

### IRRIGATION AND CO-OPERATIVE DEPARTMENT NOTIFICATION

Jaipur, August 7, 1957.

*No. F. 5 (51) Coop./57.*—In exercise of the powers conferred by section 6 of the Rajasthan Co-operative Societies Act, 1953

(Rajasthan Act IV of 1953), the Government of Rajasthan is pleased to confer on Deputy Registrars and Assistant Registrars of Co-operative Societies the powers of the Registrar of Co-operative Societies mentioned in the attached schedule.

The State Government is further pleased to direct that the powers hereby conferred on the Assistant Registrars of Co-operative Societies will be subject to such conditions in individual cases as may be imposed by the Registrar of Co-operative Societies, Rajasthan.

By Order of the Governor,  
BALWANT SINGH,  
*Secretary to the Government.*

### SCHEDULE

EXTENT OF THE POWER TO BE EXERCISED BY			
S. No.	Section.	Powers.	Dy. Registrar in respect of— Assistant Registrar in respect of—
1	2	3	4
1	8	Power to accord sanction of change of liability.	Societies which he is competent to register.
2	10 (1) (b)	Condition of registration.	-do-
3	11	Power to decide certain questions.	-do-
4	12 (1) (3)	Application for registration and Power to require necessary information.	-do-
5	13	Registration.	All primary societies in his jurisdiction except primary Land Mortgage Banks.
6	14	Issue of Registration Certificate.	Societies which he is competent to register.
7	16	Issue of requisition for special general meeting.	-do-

8	17	Approval for change of name.			
9	18	All powers in respect of division and amalgamation of societies.	-do-	-do-	
10	19 (2)	Registration of amendments.			
11	19 (3) (4) (5)	To make amendments in Bye-laws.	-do-	Societies which he is competent to register.	-do-
12	20 (2)	Power to extend the period.	-do-		Nil.
13	21 (1) (b)	Power to require information.			Societies which he is competent to register.
14	24	Address of Societies.	-do-		-do-
15	26 (1)	Audit.	-do-		-do-
16	40 (1) & 40 (2)	Power in respect of proviso to sub section (1) and sub section (2) of section 40.	-do-		Nil.
17	43 (d)	Power to accord approval for investment of funds.			Nil.
18	45	Power to grant approval for allocation of profits for charitable purposes.			All primary societies in his jurisdiction, except primary land mortgage banks.
		Power to sanction utilization of the fund created under the section.			Power to sanction amounts not exceeding Rs. 100/- in the case of any primary society in his jurisdiction except primary land mortgage banks in any year.
19	46	Power to hold or authorise to hold enquiry.			All primary societies in his jurisdiction except primary land mortgage banks.

20	47	Power to inspect or authorise to inspect.	All societies in his jurisdiction except Apex and central credit societies.	All primary societies in his jurisdiction except primary land mortgage banks.
21	48	Power to certify the staff of a financing bank as competent to undertake inspection.	Power in respect of all financing banks in his jurisdiction except Apex bank.	Nil.
22	49	Power to apportion costs of enquiry or inspection.	All societies in his jurisdiction except Apex and central credit societies.	All primary societies in his jurisdiction except primary land mortgage banks.
23	50	Power of recovery of cost awarded u/s 49.	-do-	-do-
24	51	All power conferred by section 51 in respect of supersession of committee of society.	All primary societies in his jurisdiction.	Nil.
25	52	Power to issue an order directing societies to be wound up and to appoint a liquidator and to fix his remuneration.	All primary societies in his jurisdiction.	Nil.
26	53	Power to issue an order directing societies to be wound up and to appoint a liquidator and to fix his remuneration.	All primary societies in his jurisdiction.	Nil.
27	54	Power to cancel order of winding up of a society u/s 52 and 53.	-do-	-do-
28	55	Power to make an order cancelling registration of a society.	-do-	-do-
29	56	Power to sanction powers to a	All primary societies in his jurisdiction.	Nil.

liquidator appointed u/s 52 or 53.

30	56 (h)	Power to fix rate of interest.	-do-	-do-
31	57	All powers under the section.	-do-	-do-
32	59	All powers under the section.	-do-	-do-
33	60	All powers under the section.	-do-	-do-
34	61	All powers under the section.	-do-	-do-
35	62	All powers under the section 64.	-do-	-do-
36	63	All powers under the section 64.	-do-	-do-
37	64	All powers under the section 64.	-do-	-do-
38	66	All powers under section 66.	-do-	-do-
39	67	Power to issue necessary certificate.	-do-	-do-
40	68	Power to give necessary consent.	-do-	-do-
41	69	Power to direct payment of dues.	-do-	-do-
42	70 (b)	Power to require to do any act or to furnish any information.	-do-	-do-
43	78	All powers under the section.	-do-	-do-

NOTE.—The powers delegated to the Assistant Registrars will be subject to such conditions in individual cases as may be imposed by Registrar, Co-operative Societies, Rajasthan, from time to time.

*Published in Raj. Raj-patra Dated January 30, 1958 part IV (c) at page 951 :*

## IRRIGATION & CO-OPERATIVE DEPARTMENT NOTIFICATION

Jaipur, January 6, 1958.

*No. F. 5 (144) Co-op./57.*—In exercise of the powers conferred by section 81 of the Rajasthan Co operative Societies Act, 1953 (Act No. IV of 1953), the State Government do hereby direct that the provisions of section 44 shall not apply to the Forest Co-operative Societies,

By Order of the Governor,  
BALWANT SINGH,

*Secretary to the Government.*

*Published in Raj. Raj-patra Dated February 20, 1958 part I (b) at page 1079 :*

## IRRIGATION AND CO-OPERATIVE DEPARTMENT NOTIFICATIONS

Jaipur, January 7, 1958.

*No. F. 5 (210) Coop./56.*—The Governor has been pleased to order that the powers delegated to the Inspectors of Co operative Department vide this department's Notification No. F. 5 (210) Agr./56. dated the 14/15th February, 1957 may be withdrawn with immediate effect.

By Order of the Governor;  
BALWANT SINGH,

*Secretary to the Government.*

*Published in Raj. Raj-patra Dated July 3, 1958 part IV (c) at page 569 to 571 :*

## CO-OPERATIVE DEPARTMENT NOTIFICATION.

Jaipur, January, 28, 1958.

*N. F. 5 (76) Coop/57.*—In exercise of the powers conferred by section 6 of the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953), the Government of Rajasthan is pleased to confer on Deputy Director Handlooms and Deputy Director Head Quarters of Directorate of Industries and Supplies, the powers conferred on Deputy Registrars of Co-operative Department, *vide* this Department Notification No. F-5 (51) Co-op/57 dated the 25th July, 1957/7th August, 1957, as mentioned in the attached schedule to be exercised in case of Industrial Co-operative Societies only.

### SCHEDULE

S. No. 1.	Section. 2.	Powers. 3
1.	8	Power to accord sanction of change of liability.
2.	10 (I) (b)	Condition of registration.
3.	11	Power to decide certain questions.
4.	12 (I) (3)	Application for Registration & power to require necessary information.



5.	13	Registration.
6.	14	Issue of Registration Certificate.
7.	16	Issue of requisition for special Central Meeting.
8.	17	Approval for change of name.
9.	18	All powers in respect of division & amalgamation of societies.
10.	19 (2)	Registration of amendments.
11.	19 (3) (4) (5)	To make amendments in Bye-laws.
12.	20 (2)	Power to extend the period.
13.	21 (I) (b)	Power to require information.
14.	24	Address of Societies.
15.	26 (I)	Audit.
16.	40 (I) & 40 (2)	Power in respect of proviso to sub-section-(I) and sub-section (2) of section 40.
17.	43 (d)	Power to accord approval for investment of funds.
18.	85	Power to grant approval for allocation of profits for charitable purposes. power to sanction utilisation of the fund created under the section.
19.	46	power to hold or authorise to hold enquiry.
20.	47	Power to inspect or authorise to inspect.
21.	48	Power to certify the staff of a financing bank as competent to under-take inspection.
22.	49	Power to apportion costs of enquiry or Inspection.
23.	50	Power of recovery of cost awarded u/s 49.
24.	51	All power conferred by section 51 in respect of supersession of committee of Society.
25.	52	Power to issue an order directing Society to be wound up and to appoint a liquidator & to fix his remuneration.
26.	53	Power to issue an order directing Societies to be wound up and to appoint a Liquidator & to fix his remuneration.
27.	54	Power to cancel order of winding up of a Society u/s 52 and 53.
28.	55	Power to make an order cancelling registration of a Society.

29.	56	Power to sanction powers to a Liquidator appointed u/s 52 or 53.
30.	56 (h)	Power to fix rate of interest,
31.	57	All powers under the section.
32.	59	All powers under the section.
33.	60	All powers under the section.
34.	61	All powers under the section.
35.	62	All powers under the section.
36.	63	All powers under the section.
37.	64	All powers under the section.
38.	66	All powers under the section.
39.	67	Power to issue necessary certificate.
40.	68	Power to give necessary consent.
41.	69	Power to direct payment of dues.
42.	70 (b)	Power to require to do any act or to furnish any information.
43.	78	All powers under the section.

By Order of the Governor,  
BALWANT SINGH,  
*Secretary to the Government.*

#### CO-OPERATIVE DEPARTMENT

RAJASTHAN, JAIPUR

#### ORDER

Jaipur, June 19, 1958.

*No. 14/A-2/Audit/CDR.*—In pursuance of the powers conferred upon me under section 26 (1) of the Rajasthan Co-operative Societies Act IV of 1953, I (Niranjan Singh, IAS) hereby authorise the Chief Auditor of the Co-operative Department to audit the accounts of the Co-operative Societies in Rajasthan.

For purposes of audit, the Chief Auditor shall have the powers mentioned in sub-sections (3), (4) and (6) of the Act.

NIRANJAN SINGH,

*Registrar,*

*Co-operative Societies, Rajasthan, Jaipur.*

*Published in Raj. Raj-patra Dated August 14, 1958 part IV (c) at page 786 :*

CO-OPERATIVE DEPARTMENT, RAJASTHAN, JAIPUR

#### NOTIFICATION.

Jaipur, July 5, 1958.

*No. 28320/C. D. R./Ind./Rly./2/58.*—In pursuance of the powers conferred upon me under section 47 (1) of the Rajasthan Co-operative Societies Act IV of 1953, I, Indra Narain Pandey, hereby authorise the Co-operative Inspectors (Railway Board) Western and Northern Railway, Zones in Rajasthan to conduct inspections and enquiries of the Railway men's Consumers Co-operative Societies situated in their respective jurisdictions.

While making inspections these Co-operative Inspectors (Railway Board) shall have all the powers of the Registrar as laid down in sub-section (3) of section 46 of the Rajasthan Co-operative Societies Act IV of 1953.

INDRA NARAIN PANDEY,  
*Registrar Co-operative Societies,*  
*Rajasthan, Jaipur.*

*Published in Raj. Raj-patra part II (a) dated January 12, 1961 at page 273 :*  
Office of the Registrar Co-operative Societies Rajasthan, Jaipur

ORDER

Jaipur, November 2, 1960.

No. 75917/F3 (E) CDR/Audit/4/60.—In pursuance of the powers conferred upon me under section 26 (1) of the Rajasthan Co-operative Societies Act IV of 1953, I (Niranjan Singh, I.A.S.) hereby authorise the Special Auditors of the Co-operative Department to audit the accounts of the Co-operative Societies in Rajasthan.

For purposes of audit, the Special Auditors shall have the powers mentioned in sub-sections (3), (4) and (6) of the Act.

NIRANJAN SINGH,  
Registrar Co-operative Societies  
Rajasthan, jaipur.

*Published in Raj. Raj-patra part IV (c) at page 11 :*

Co-op. & Animal Husbandry (Group I) Department

NOTIFICATION

Jaipur, July 11, 1961.

No. F. 13 (12) CA/60.—In partial modification of the Co-operative Department Notification No. F. 13 (12) CA/60 dated 22-12-60 and in exercise of the powers conferred by Section 89 of the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act 4 of 1953), the State Government hereby delegates to the Board of Revenue for the State of Rajasthan its powers—(a) of hearing appeals and revisions under Sections 75 and 76 respectively of the said Act as pending on the date of this Notification, and (b) of receiving and hearing hereafter all appeals and revisions under the said sections of the said Act.

By Order of the Governor,  
G. B. K. HOOJA,  
Secretary to the Government.

# IRRIGATION & CO-OPERATIVE DEPARTMENT

Jaipur, April 7, 1958.

Rules governing the State Agricultural Credit (Relief and Guarantee) Fund.

No. F-5 (87) Coop./57—The rules shall be known as the State Agricultural Credit (Relief and Guarantee) Fund Rules.

2. In these Rules, unless there is anything repugnant to the subject or context:—

- (a) "Government" means the Government of Rajasthan.
- (b) "Registrar" means the Registrar, Co-operative Societies, Rajasthan.
- (c) "Fund" means the State Agricultural Credit (Relief & Guarantee) Fund.

3. The amount to the credit of the Fund shall consist of:—

(1) Such amounts as the Government may, in pursuance of an annual budgetary provision, set apart and sanction for being credited to the Fund;

(2) Dividend, earned by the Government on its share capital in the various co-operative credit institution (such as the State Co-operative Bank, the Central Co-operative Banks etc.) to the extent that such dividend exceeds four per cent.

4. The fund may be utilised for one or more of the following purposes:—

(a) For assisting the Co-operative Credit Institutions to write off such irrecoverable arrears of debts as have assumed a magnitude that threatens the stability of the said Institutions, provided the authority competent to operate on the fund is satisfied that such arrears have arisen from unforeseen natural calamities, such as wide-spread floods or famines, beyond the control of the institution concerned;

(b) To meet losses accruing to a Co-operative Credit Institution in pursuance of a programme of loan operations directed in favour of a special area (such as an economical backward area) or a special class of people (such as scheduled castes) undertaken by the said institution on a directive from the Government and provided further that the Government undertook to meet the losses wholly or in part;

(c) To meet losses arising out of guarantees, if any, given by the Government in respect of short-term or medium term accommodation provided by the Reserve Bank of India to the State Co-operative Bank and the Central Co-operative Banks for such agricultural purposes as are permitted under the Reserve Bank of India Act;

(d) To meet losses arising out of guarantee, given by Government, in respect of the principal and interest of the

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*These rules have been first published in Rajasthan Raj-patra Dated June 19, 1958 part IV (c) at page 485.*

debentures to be floated from time to time by the Rajasthan Central Co-operative Land Mortgage Bank in accordance with its Bye-laws.

5. A Co-operative Credit Institution, seeking assistance out of the fund shall apply to the Registrar in the application form hereto annexed as Schedule A and shall further furnish such particulars as the Registrar may desire.

6. On receipt of the application for assistance out of the fund the Registrar may call for the report of officers subordinate to him and in the context of such report seek any further information from the society which he deems necessary.

7. If, after the consideration of the information furnished by the society, and the reports made by the officers subordinate to the Registrar, the Registrar is satisfied that the institution concerned is deserving of assistance out of the fund, he may subject to these rules, sanction the financial assistance and, in pursuance thereof, operate on the Fund.

8. The Registrar shall be competent to sanction assistance to a Co-operative Credit Institution out of the Fund up to a maximum of Rs. 2,000 in a single case and up to a maximum of Rs. 20,000 in a single financial year. For assistance beyond these limits, the Registrar shall refer the case to Government for sanction. After the sanction of Government is received the Registrar shall be competent to operate on the fund and disburse the requisite amount to the Institution concerned.

9. The Registrar may, from time to time, call for reports from the institution concerned regarding the utilisation of assistance sanctioned out of the fund.

10. If, at any state, the Registrar is satisfied that the amount sanctioned has been misapplied, he may, after giving suitable opportunity to the institution concerned to furnish an explanation, take suitable action for the recovery of the amount involved which shall be recoverable as sums due to the Government under section 77 of the Rajasthan Co-operative Societies Act, 1953 (Act IV of 1953).

By Order,

BALWANT SINGH,

Secretary to the Government.

### SCHEDULE "A"

Form of Application for Grant of Assistance to Co-operative Credit Institutions out of the State Agricultural Credit (Relief and Guarantee) Fund.

1. We the undersigned, being duly empowered in this behalf by a resolution of the Managing Committee of the .....  
 ..... at village ..... Tehsil .....  
 District ..... apply for an assistance of Rs. ....  
 (in words) ..... out of the State

Agricultural Credit (Relief and Guarantee) Fund for the purpose specified in para 5 of the application and we further bind ourselves as follows;—

(i) We undertake to utilise the said amount for the purpose for which it is being granted.

(ii) We understand that in case of misapplication of the assistance granted, the amount will be recoverable from the society as sums due to the Government under section 77 of the Rajasthan Co-operative Societies Act, 1953.

2. We request that the assistance be made payable at.....  
Treasury/Sub-Treasury.....District.....

3. The society is.....years old being registered on.....  
at No.....and classed.....of District.....and was last  
audited on.....and classed.....The membership on  
the date of application is.....

4. The present financial position of the society.

(N. B. Please attach a copy of the latest balance Sheet of the society's assets and liabilities).

5. The purpose/purposes for which financial assistance is/are required as under:—

(Mention purpose or purposes).

6. The reasons for such financial assistance are as under.

(Mention the reasons.)

7. We attach herewith a copy of the resolution of the Managing Committee of the society authorising us to apply for and obtain the financial assistance out of the State Agricultural Credit (Relief and Guarantee) Fund specifying the members of the Managing Committee who may, in conjunction with the Secretary/Chairman receive the amount.

Seal of the society.

Date

Signatures of the Secretary  
Chairman.

Signatures of three members of Managing  
Committee.

1.  
2.  
3.

To

The Registrar, Co-operative Societies, Rajasthan,  
Through the Assistant Registrar,  
Co-operative Societies.

# Rajasthan Co-Operative Societies Rules, 1966

Co-operative Department

Jaipur, December 26, 1966.

*Notification No. F. 4 (6) Co-op. 1/65/4173.*—In exercise of the powers conferred by sub-section (1) and (2) of section 148 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965,) the Government of Rajasthan hereby makes the following rules the same having been previously published as required by sub-section (1) of section 148 of the said Act, namely :—

## CHAPTER I.

### Preliminary.

1, *Short title and extent.*—(1) These rules may be called the Rajasthan Co-operative Societies Rules 1966.

(2) They shall extend to the whole of the State of Rajasthan.

2 *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965),

(b) “*Agricultural Marketing Society*”.—means a society the object of which is the marketing of agricultural produce and the supply of implements and other requisites for agricultural production, of which not less than three-fourth of the members are agriculturists or societies formed by agriculturists;

(c) “*Apex Society*” means a society whose principal object is to provide facilities for the operation of other societies affiliated to it and whose area of operation extends to the whole of the State of Rajasthan;

(d) “*Bonus*” means payment made in cash or kind out of the profits of a society to a member, or an employee, on the basis of his contribution (including any contribution in the form of labour or service) to the business of the society, and in the case of a joint farming society, on the basis both of such contribution and also the value or income or, as the case may be, the area of the lands of the members brought together for joint cultivation as may be decided by the society;

(e) “*Central Society*” means a Society other than a Land Development Bank, whose area of operations is confined to a part of the State and which has as its principal object the promo-



tion of the principal objects and the provision of facilities for the operations of other societies affiliated to it, and not less than five members of which are themselves societies,

(f) "Consumers Society" means a society the object of which is the procurement, production or processing, and distribution of goods to, or the performance of other services for, its members as also other customers;

(g) "Co-operative Bank" means a society registered under this Act and doing the business of banking, as defined in clause (b) of sub-section (1) of section 5 of the Banking Companies Act, 1949;

(h) "Co-operative Year" means the year ending on the 30th day of June or in the case of any co-operative societies or class of co-operative societies the accounts of which are balanced on any other date, with the previous sanction of the Registrar, the year ending on such date;

(i) "Credit Society" means a society the main object of which is to lend money to its members;

(j) "Dividend" means the amount paid, out of the profits of a society, to a member in proportion to the shares held by him;

(k) "Farming Society" means a society in which, with the object of increasing agricultural production, employment and income and the better utilisation of resources, lands are brought together and jointly cultivated by all the members, such lands (a) being owned by or leased to the members (or some of them), or (b) coming in possession of the society in any other manner whatsoever;

(l) "General Society" means a society not falling in any of the classes of societies defined by the other clauses of these rules;

(m) "Housing Society" means a society the object of which is providing members with dwelling houses or the construction of houses for its members or the financing or facilitating the construction of houses by its members;

(n) "Non-credit Society" means a society other than a society as defined under clause (i) of this rule;

(o) "Primary Society" means a society which is neither an apex nor a central society;

(p) "Producers' Society" means a society formed with the object of producing and disposing of goods and commodities produced by its members, and includes a society formed with the object of the collective disposals of the labour of its members;

(q) "Processing society" means a society the object of which is the processing of goods;

(r) "Recovery Officer" means a person empowered to exercise in any district, the powers of the Registrar under section 118 of the Act;

(s) "Registering Authority" in relation to a Co-operative society, means a person to whom powers of registration of such society have been delegated by the Government;

(t) "Resource Society" means a society the object of which is the obtaining for its members of credit, goods or services required by them, and includes a service co-operative society;

(u) "Sale Officer" means an officer empowered by the Registrar, by general or special order, to attach and sell the property of defaulters or to execute any decree, order, decision or awards, by attachment and sale of property;

(v) "Section" means the section of the Act,

## CHAPTER II

### *Registration of Co-operative Society*

3. *Rural Families Included in "Weaker Section".*—The following classes of persons shall be categorized as economically and socially backward or neglected sections of the village community:—

(i) Agriculturists owing or cultivating not more than one standard acre of land;

(ii) Persons belonging to sheduled castes, sheduled tribes, denotified and nomadic tribes;

(iii) Landless agricultural labour;

(iv) Village artisans and workers; engaged in small crafts and;

(v) Persons, other than agriculturists, engaged in productive vocations subsidiary to agriculture e. g. milk production, poultry farming etc :

Provided that a person belonging to categories (ii) to (v) does not have annual income exceeding Rs. 500/-.

4. *Application for Registration.*—(1) Every application for registration of society under section 6 shall be made in such form as may be specified by the Registrar from time to time, and shall, subject to the provisions of sub-rules (2) and (3) be duly signed by the applicants, and be accompanied by:—

(a) three copies of the proposed bye-laws of the society.

(b) a certificate, from the co-operative bank stating the credit balance in favour of the proposed society therein.

(c) a list of persons who have contributed to the share capital together with the amount contributed by each of them, and the entrance fee paid by them.

(d) in case of a producers' society the scheme showing the details explaining how the working of the society will be economically sound.

(e) in case of a service Co-operative Society, a list of the members of the weaker section as per rule (3).

(f) such other documents as may be specified in the model bye-laws, if any, framed by the Registrar.

(2) Where any member of the proposed society is a registered society, the application for registration shall be signed by a member of the registered society duly authorised for the purpose by the committee of the registered society and a copy of such resolution authorising the member shall be appended to the application.

(3) Where any member of a society to be registered is a corporate body or a local authority then such corporate body or local authority shall duly authorise any person to sign the application for registration on its behalf, and a copy of the resolution giving such authority shall be appended to the application.

(4) The promoters of the proposed society shall also intimate while sending the application for registration, the name ; and address of one of the applicants to whom correspondence before the registration of the society, if any, may be addressed by the Registrar,

(5) On receipt of an application for registration the Registering Authority shall enter particulars of the application in the register of applications to be maintained in such form as may be specified by the Registrar.

5. *Registration.*—(1) On receipt of an application under rule 4, the Registrar, shall examine the proposed bye-laws and may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.

(2) On registering a society and its bye-laws under section 8, the Registrar shall grant to the society, a certificate of registration signed by him and bearing his official seal and containing the registration number of the society and the date of its registration and shall also furnish the society with a copy of the

bye-laws approved and registered by him. The Registrar shall, as soon as may be, notify the registration of the society in the Official Gazette.

(3) The register to be maintained by the Registering authority for the registration of the society shall be in such form as the Registrar may from time to time, specify.

6. *Form of report under section 8 (2).*—The report to be made by the Registrar to the Government under sub-section (2) of section 8 shall be in Form "A".

7. *Refusal of Registration.*—(1) Where any society does not furnish the information in regard to the society as required by the Registrar or fulfil any of the conditions laid down in the Act or these rules, of the Registrar may not consider the registration of the society in the interest of the co-operative movement or in public interest, he may refuse to register the society.

(2) If the Registrar refuses to register a Co-operative Society he shall communicate the order of refusal together with reasons therefor to the applicant referred to in sub-rule (a) of rule 4 by registered post.

8. *Subject-matter of bye-laws.*—(1) The bye-laws of a co-operative society shall provide for the following matters, namely:—

- (a) the name and address of the society;
- (b) the area of its operation;
- (c) the object of the society;
- (d) the manner in which funds may be raised and the maximum share-capital which a single member may hold;
- (e) the nature and extent of the liability of the members;
- (f) the extent to which the society may borrow funds and the rates of interest payable on such funds;
- (g) the entrance and other fees to be collected from members;
- (h) the purposes for which its funds may be applied;
- (i) the terms, qualifications and conditions of admission of members and their rights and liabilities;
- (j) in the case of credit societies;
  - (i) the maximum loan admissible to a member,
  - (ii) the maximum rates of interest of loans to members,
  - (iii) the conditions on which loans may be granted to members,
- (iv) the procedure for granting extension of time for the re-payment of loans and advances;

(v) the consequences of default in payment of any sum due, and

(vi) the circumstances under which a loan may be recalled.

(k) the mode of conducting business, purchase, sale, stock taking and other allied matters in case of non-credit societies;

(l) the mode of holding meetings and issue of notices,

(m) the mode of appointment of the committee by election or otherwise and removal of the committee and mode of appointment and removal of other officers, the duties and powers of the Committee and such officers and their term;

(n) the disposal of net profits;

(o) the preparation and submission of the annual statements specified by the Registrar and the publication of the same; and

(p) the constitution of an "Agricultural Credit Stabilisation Fund" in case of every co-operative society which facilitates the operations of affiliated agricultural co-operative credit societies and which has received financial assistance from the Government-

(p), constitution and maintenance of Funds;

(r) the Privileges, rights, duties and liabilities of members including nominal, and associate members;

(s) the manner of making, altering and abrogating bye-laws;

(t) the Chairman's powers, duties and functions and his removal on his losing support of the majority;

(u) the mode of convening annual and special general meetings, issue of notices, and the business which may be transacted thereat;

(v) to send a representative to another society;

(w) any other matter incidental to the management of its business.

(2). A society may make bye-laws for the following matters namely:—

(a) the method of recruitment, the conditions of service and the authority competent to fix, revise or regulate the scales of pay and allowances of paid officers and employees of the society and the procedure to be followed in the disposal of disciplinary cases against them;

(b) the circumstances under which withdrawal from membership may be permitted;

(c) the procedure to be followed in case of withdrawal, ineligibility and death of members;

(d) the conditions, if any, under which the transfer of share or interest of a member may be permitted;

(e) the method of appropriating payments made by members from whom moneys are due;

(f) powers of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society.

9. *Classification and sub-classification of societies.*—(1) After registration of a society, the Registrar shall classify the society into one or other of the following classes and sub-classes of societies specified below according to the principal object provided in its bye-laws:—

Class	Sub-class	Examples of societies falling in the class or sub-class, as the case may be.
1	2	3
1. Agricultural Marketing Society.		All purchase and sale Unions and Marketing Societies of Agricultural Produce.
2. Consumer's Society.		Federations, Stores and Canteens.
3. Co-operative Bank.	(a) Apex Bank	"Financing Bank" having jurisdiction over the whole of the State of Rajasthan.
	(b) Central Bank	District Central Banks having provisions in their bye-laws to advance loans to Co-operative Societies.
	(c) Other Banks.	Urban Banks, Land Development Banks, Salary Earners Societies.
4. Farming Society	(a) Collective Farming Society.	Farming Societies where ownership is vested in the Society.
	(b) Joint Farming Society.	Societies where the ownership is retained by members
5. Housing Society.	(c) Tenant ownership Housing Society.	Housing Societies where land is held either on lease-hold or free-hold basis by societies and houses are owned or are to be owned by members.

1	2	3
	(b) Tenant Co-partnership Housing Society.	Housing Societies which hold both land and buildings either on leasehold or free-hold basis and allot them to their members.
	(c) Other Housing Societies.	House Mortgage Societies and House Construction Societies.
6. Processing Society.	(a) Agricultural processing Society.	Societies, which process Agricultural produce like Co-operative Sugar Factories and Oil-mills.
	(b) Industrial Processing Society.	Wool Processing and Tanner's Societies, Spinning Societies.
7. Producers' Society.	(a) Industrial Producers Society.	Weavers' and Carpenters' Societies.
	(b) Labourers' Industrial Society.	Forest Labourers' Societies and Labour Contract Societies.
	(c) Agricultural Producers Society.	Cattle Breeding, Dairy and Poultry Societies.
8. Resource Society.	(a) Urban Credit Resource Society.	Urban Employees Credit and Thrift Societies.
	(b) Non-Credit Resource Society.	Seeds and implements and Agricultural Requisites Societies.
	(c) Service Co-operative Society.	Service Co-operatives, Multi-purpose Co-operatives and Agricultural Credit Societies.
9. General Society.	(a) Social	Better Living Societies and Education Societies.
	(b) Commercial.	Insurance and Motor Rickshaw Puller Transport Societies.
	(c) Others.	Not falling in either of the above sub-clauses.

10. *Change of form and extent of liability.*—(1) The change of liability of a society from unlimited to limited, and *vice versa* or in terms of multiple of share capital, shall be secured by passing a resolution in that behalf at a general meeting of the society indicating in clear terms the manner of changing the liability. The society shall give thirty days' notice in writing of such meeting to all its members and creditors and shall furnish them with copies of the resolution proposed to be moved at the meeting. After the resolution is duly moved and passed, a copy thereof shall be sent to the Registrar within thirty days of its passing.

(2) Every notice to be given by the society under sub-section (2) of section 12 shall be sent by post under certificate of posting or otherwise to the address of each of its members and creditors as recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office; and thereupon, notice of the resolution to change the form or extent of its liability shall be deemed to have been duly given to all its members and creditors, notice not being sent to their correct address or notice not being received by them, notwithstanding.

(3) For the purpose of determining the claims of a member under clause (b) of sub-section (4) of section 12, the value of a share of a member in a society shall be ascertained as follows:—

(a) In the case of a society with unlimited liability, the value of a share shall be the actual amount received by the society in respect of such share.

(b) In the case of a society with limited liability, the value of a share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet, provided that it shall not exceed the actual amount received by the society in respect of such share.

(4) Any member or creditor desiring to exercise this option under sub-section (2) of section 12 shall inform the society accordingly in writing, and when he does not propose to withdraw his entire shares or deposits, the member or creditor shall clearly indicate in writing the extent of his withdrawal. The society shall examine and draw up a scheme for orderly payment of all claims in an equitable manner including shares, the value of which shall be ascertained in accordance with the provisions of sub-rule (3). The scheme may also provide for settlement of claims by mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesi-



rability, the resolution passed by the society under sub-rule (1) shall be ineffective, and the form and extent of liability of a society shall not be deemed to be changed in accordance with resolution passed aforesaid.

(5) After the Registrar approves the scheme, the society shall make payments to members and creditors as provided in clause (b) of sub-section (4) of section 12, make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of the society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of section 13.

11. *Procedure regarding amendment of bye-laws.*—(1) Where a co-operative society purposes to amend its bye-laws, no such amendment shall be made save by a resolution passed by a two thirds majority of the members present and voting, at a general meeting of the society :

Provided that model bye-laws or amendment previously approved by the Registrar may be adopted by simple majority.

(2) No such resolution shall be valid, unless notice of the proposed amendment has been given to the members of the society at least 15 days before the general meeting.

(3) After the resolution is passed, an application shall be made to the Registrar alongwith:—

(a) A copy of the relevant bye-laws in force with amendment proposed to be made in pursuance of the resolution together with reasons justifying such amendments;

(b) Three copies of the bye-laws as it would stand after amendment, signed by the officers duly authorised in this behalf by the society;

(c) A copy of the notice given to the members of the society of the proposal to amend the bye-laws;

(d) A copy of the resolution referred to in sub-rule (1);

(e) The total number of members of the society on the date of such meeting;

(f) The number of members who formed the quorum of such meeting;

(g) The number of members present at such meetings;

(h) The number of members who voted for the amendment;

(i) A certificate signed by the officers duly authorised by the society that the procedure specified in sub-rule (1) and sub-rule (2) and in the bye-laws has been followed, and

(j) Such other information as may be required by the Registrar.

(4) Every such application shall be made within fourteen days from the date of the general meeting at which such amendment was passed:

Provided that the Registrar may condone the delay, if any, for sufficient cause.

(5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (3), the Registrar shall examine the amendment in the light of the provisions under sub-section (2) of section 13, and if he is satisfied, he may register the amendment and issue to the society a copy of the amendment registered by him as per provision under sub-section (3) of section 13. Where the Registrar is of the opinion that the proposed amendment may be accepted subject to any modification, he may indicate to the society such modification after explaining in writing his reasons therefor.

12. *Amalgamation, division and Reorganisation of societies.*—

(1) Every society desiring to effect amalgamation, transfer of assets and liabilities, or division under section 16 shall frame a full scheme of amalgamation or division or transfer of assets and liabilities indicating how proposed amalgamation, transfer of assets, and liabilities or division would be useful to the society and be given effect to. Where the scheme involves a division of a society into two or more societies, it shall contain proposals regarding the name, the area of operation, draft bye-laws and the list of members and creditors of the new society or societies into which the society would be divided.

(2) After framing the scheme of amalgamation or division under sub-rule (1), the society shall convene a special general meeting by giving a written notice of twenty-one days to all its members alongwith the proposed scheme of amalgamation or division. In the case of the society desiring amalgamation with or transfer of the assets and liabilities in whole or in part on any other society (here-in-after-referred to as the other society), the society shall send a copy of the notice and the proposed scheme to the other society also for information. The society shall pass a resolution for amalgamation, transfer of assets and liabilities or division, as the case may be, by two-thirds majority of the members present and voting at the special general meeting and shall in the case of the amalgamation or transfer of assets and liabilities forward a copy of such resolution to the other society.

(3) After the receipt of the resolution the other society shall convene a special general meeting by giving a written notice of twenty-one days to all its members alongwith the scheme of amalgamation or division and draft amendment to

its bye-laws, if any, and pass a resolution by two thirds majority of the members present and voting at the special general meeting for approving the scheme of amalgamation or division, as the case may be, and the amendment to its bye-laws, if any, and send a copy of its resolution in respect of the approval to the society which has decided to amalgamate or divided itself.

(4) The affected society shall in the case of amalgamation or transfer of assets and liabilities, after the receipt of the approval under sub-rule (3) and in the case of division, after passing of the resolution under sub-rule (2) take action under sub-section (4) and (6) of section 16.

(5) The affected society shall submit a report to the Registrar of the action taken by it and request him to approve the decision for amalgamation, transfer of assets and liabilities or division.

(6) On receipt of the report from the affected society under sub-rule (5), the Registrar shall, after satisfying himself that the procedure has been properly followed, approve the decision of the society and register the amalgamated or divided society or societies and cancel the registration of societies which have been amalgamated or divided.

13. *Direction by Registrar for Amalgamation, division and reorganisation of societies.*—(1) Before issuing any order under section 17 for the amalgamation, transfer of assets and liabilities division or reorganisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation, division or reorganisation stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation, division or reorganisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall send a copy of the draft of the order proposed to be issued by him under section 17, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections or suggestions together with its own or their own opinion within a period of not less than two months from the date on which the copy of the aforesaid draft was received by it or them.

(2) The Registrar shall consider all such suggestions and objections and make such modifications in the draft order as may seem to him desirable in the light of those suggestions or objections and then issue a final order under section 17.

(3) Any member or creditor of each of the societies to be amalgamated, divided or re-organised who has objected to the scheme of amalgamation, division or reorganisation within the period specified in sub-rule (1), may apply to the Registrar for payment of his share or interest, if he be a member, and the amount in satisfaction of his dues if he be a creditor. Such application shall be separate and distinct from the objection or suggestions which he may have submitted to the society or the Registrar under clause (b) of sub-section (2) of section 17. It shall be competent for the Registrar to nominate an officer to investigate such application and determine the payments required to be made to the members or creditors, as the case may be.

(4) Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may by order require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

### CHAPTER III

#### *Members of Co-operative Societies: Their Rights and Liabilities*

14. *Admission of firm, Companies, Local authorities as member under Section 19 (1) (d).*—The following persons, bodies or local authorities may be admitted as members of a co-operative society:—

(a) a firm, a company or any other body corporate constituted under any law for the time being in force, or the society registered under the Societies Registration Act, 1958.

(b) Zila Parishads or Panchayat Samities constituted under Rajasthan Panchayat Samitis and Zila Parishads Act, 1959.

(c) a Panchayat constituted under the Rajasthan Panchayat Act, 1953.

(d) a Public trust registered under any law for the time being in force for the registration of such trust.

(e) a municipality constituted under the Rajasthan Municipalities Act, 1959.

(f) a Khadi Village Industries Board constituted under the Khadi and Village Industries Act No. 5 of 1955:

Provided that a firm, a company, municipality or any other body constituted under any law for time being in force shall not be admitted as member in any co-operative society

except with the previous sanction of the Registrar and that the application for membership is accompanied by a resolution authorising to apply for such membership.

(2) No person shall be admitted as a member of a society unless,—

- (i) he has applied in writing for membership;
- (ii) his application is approved by the committee of the society in pursuance of the powers conferred on it in that behalf and subject to such resolution as the general body of members may, in pursuance of the powers conferred on it in that behalf from time to time, pass, or is admitted by the orders of the Registrar in pursuance of sub-section (4) of section 19 and in the case of nominal or associate member, by an officer of the society authorised in that behalf by the bye-laws;
- (iii) he has fulfilled all other conditions laid down in the Act, the rules and the bye-laws.

15. *Admission of Associate members under section 20.*—(1) The following may be admitted as nominal associate member:—

- (i) in case of a financing bank, other than a Land Development Bank, a person who maintains a deposit of at least Rs 500/- in the deposit account of the Bank, and
- (ii) in case of a marketing society, a person who carries on business in agricultural commodities in the area of operation of the society and has dealing with it.

(2) The following local authorities may be admitted as associate members in co-operative society:—

- (i) Zila Parishads and Panchayat Samitis constituted under the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959; and
- (ii) Panchayats constituted under the Rajasthan Panchayat Act, 1953.

16. *Disqualifications for membership.*—(1) No person shall be eligible for admission as a member of a co-operative society, if he—

- (a) has applied to be adjudicated an insolvent, or is an undischarged insolvent; or
- (b) is adjudged by a court of a competent jurisdiction to be of unsound mind; or
- (c) has been sentenced for any offence, other than an offence of a political character, or an offence not

involving moral turpitude, such sentence not having been reversed or the offence pardoned and a period of five years has not elapsed from the date of expiry of the sentence.

Provided that the provision of sub-rule (1) (c) shall not apply to a person sentenced for any offence, during the period he is undergoing the sentence in the Jail and seeking admission as a member of a society formed for the betterment of the prisoners and meant exclusively for the inmates of the Jail, but such person shall cease to be a member of such society as soon as he is released from the Jail :

Provided further that a convict can be admitted as a member of a co-operative society even after his release from Jail if his good conduct is certified by a Jail authority not below the rank of a Superintendent of Jail.

(2) If a member becomes subject to any of the disqualifications specified in sub-rule (1), he shall be deemed to have ceased to be a member from the date of his incurring the disqualification.

17. *Prohibition of membership in two credit societies.*—No individual, being a member of a primary co-operative credit society shall be a member of any other such society other than a Land Development Bank or a marketing society without the general or special sanction of the Registrar, and where an individual has become a member of two such credit societies, either or both of the societies shall be bound to remove him from membership upon a written requisition from the Registrar to that effect.

18. *Procedure for expulsion of Members*—(1) Any member who has been persistently defaulting payment of his dues or has been failing to comply with the provisions of the bye-laws regarding sales of his produce through the society or, other matters in connection with his dealings with the society or who, in this opinion of the committee, has brought disrepute to the society or has done other acts detrimental to the interest or proper working of the society may, by a resolution passed by a majority of not less than three-fourth of the members entitled to vote who are present at a general meeting held for the purpose, expel a member from the society:

Provided that no resolution shall be valid, unless the member concerned is given an opportunity of representing his case the general body, and no resolution shall be effective unless it is approved by the Registrar.

(2) Where any member of a society propose to bring a resolution for expulsion of any other member he shall give a

written notice thereof, to the Chairman of the society. On receipt of such notice or when the Committee itself decides to bring in such resolution, the consideration of such resolution shall be included in the agenda for the next general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting, to be held not earlier than a period of one month from the date of such notice and to show cause against expulsion to the general body of members. After hearing the member, if present, or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.

(3) When a resolution passed in accordance with sub-rule (1) or (2) is sent to the Registrar or otherwise, brought to his notice, the Registrar may consider the resolution and after making such inquiries as he may deem fit, give his approval and communicate the same to the society and the member concerned. The resolution shall be effective from date of such approval.

(4) Expulsion from membership may involve forfeiture of shares held by the members.

(5) No member of a society who has been expelled under the foregoing sub-rules shall be eligible for re-admission as a member of that society, or for admission as a member of any other society, for a period of one year from the date of such expulsion:

Provided that the Registrar may, on an application by the Society and in special circumstances, sanction the re-admission or admission, within the said period, of any such member as a member of the said society or of any other society, as the case may be.

19. *Cessation of membership.*—A person shall cease to be a member, of a society on his resignation from the membership thereof being accepted or on the transfer of the whole of his share or interest in the society to another member, or on his death, removal or expulsion or incurring any of the disqualification specified in the Act and rules.

20. *Nomination of an heir.*—(1) A member of a co-operative society may nominate a person or persons to whom in the event of his death, his share or interest in the capital of the society shall be transferred or the value thereof or any other moneys due to him from the society shall be paid. Such member may, from time to time, revoke or vary such nomination.

(2) The number of persons who may be nominated by a member shall not exceed the number of shares held by the member.

(3) When a member nominates more than one person in respect of any shares held by him, he shall, as far as practicable, specify the amount to be paid or transferred to each nominee in terms of whole share.

(4) A nomination made by a member under this rule shall not be valid and shall not, in the event of the death of the member, have effect, unless:—

(a) It is made in writing and is signed by the member in the presence of at least two witnesses; and

(b) It is registered in the books of the society kept for the purpose.

**21. Procedure for admission of joint members and minor and persons of unsound mind inheriting the share or interest of deceased member.**—(1) A society may admit joint members provided they make a declaration in writing that the person whose name stands first in the share certificate shall have the right to vote and all the liabilities will be borne jointly and severally by them as provided in the Act, rules and bye-laws.

(2) In accordance with the procedure laid down in its bye-laws and these rules for admission of any member, a society may admit minors and persons of unsound mind inheriting share or interest of deceased members as its members through their legal representatives or guardians, respectively. The members so admitted will enjoy such right and liabilities through such legal representatives or guardians as are laid down in the bye-laws of the society that are consistent with the Act and rules.

**22. Valuation of share.**—(1) Where member of a society ceases to be a member thereof, the sum representing the value of his share or interest in the share capital of the society to be paid to him or his nominee, heir, or legal representative, as the case may be, shall be ascertained in the following manner, namely :—

(i) In the case of a society with unlimited liability, it shall be the actual amount received by the Society in respect of such share or interest;

(ii) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet preceding the cessation of membership.



Provided that the amount so ascertained shall not exceed the actual amount received by the society in respect of such share or interest:

(2) Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of the share notwithstanding anything contained in the bye-laws of the society.

(3) When a share is transferred by a member to another member duly admitted as a member of a society, the transferee shall not be required to pay anything in excess value of the share determined in accordance with sub-rule (1).

**23. Register of Members.**—A Register of members shall be kept by every society in such form as the Registrar may, from time to time, specify.

**24. List of members of Co-operatives.**—Every Co-operative society shall prepare a list of its members as on the last day of each co-operative year. The list shall be kept open at the office of the society during office hours for inspection by any member of the society. The list of members shall be revised thirty days prior to the date of the meeting fixed for the election of the Committee of the society and shall include the member admitted and exclude the members removed during the period commencing from the date when the list was last revised and ending with the date of the revision of the list. The list shall be in form "B".

**25. Restrictions of defaulting member to vote at the election.**—No member shall be eligible to vote at the meeting fixed for any election if on the thirty days prior to the date of such meeting he is a defaulter against whom decree has been issued under section 117.

**26. Admission of members before the general meeting of a society.**—No Co-operative society shall admit members within thirty days prior to the date of its annual general meeting.

**27. Chairman to have second or casting vote.**—In the event of an equality of votes the chairman of a meeting of a co-operative society shall have a second or casting vote.

**28. Disabilities of a defaulting member.**—(1) No member of a Co-operative society, who is in arrears to the society in respect of any loan taken by him, for such period as is specified in its bye-laws; or in any case for a period exceeding three months, shall be appointed to represent the society in any other co-operative society and to vote on its behalf in such other co-operative society.

(2) Where a member of a co-operative society so appointed falls in arrears to the society for the period specified in sub-rule (1), subsequent to his appointment, he shall cease to be a representative of the society as from the end of the said period.

## CHAPTER IV

### Management of Societies

29. *First general meeting*.—(1) Within three months from the date of registration of a society, the secretary of the Society shall convene the first general meeting of all persons who had joined in the application for registration of the society, and also those who were admitted to membership after its registration. Where the Committee or the Officer fails to convene the meeting as aforesaid, it shall be convened by any person authorised in that behalf by the Registrar.

(2) At the first general meeting, the following business shall be transacted—

- (i) Election of a president for the meeting.
- (ii) Receiving a statement of accounts and reporting all transactions entered into by the society upto 14 days before the meeting
- (iii) Constitution of a committee until elections are held in the next annual general meeting.
- (iv) Fixing the limit up to which the funds may be borrowed.
- (v) Any other matter which has been specifically mentioned in the bye-laws.

30. *General Meetings*.—(1) Every society shall within a period of three months next after the date fixed for making up its accounts for the year under the rules for the time being in force, call a general meeting of its members.

(2) All general meetings of a society shall be convened by the Secretary or any other officer authorised by and under the bye-laws to convene such meeting under intimation to the Registrar, who may attend such meetings or authorise some person to attend such meetings on his behalf. The Chairman of the society or in his absence the Vice-Chairman or, in the absence of both, a member elected by the members present at the meeting shall preside over the meeting unless the bye-laws specify that the Chairman of the meeting should be elected by the meeting.

(3) Unless otherwise provided in these rules or the bye-laws, a notice of the meeting stating the place, date and hour of the meeting together with a statement of business to be transacted

at it shall be sent to every member seven clear days before the date of the meeting in the manner provided in these rules or the bye-laws.

(4) (i) Unless otherwise provided in the bye-laws, the quorum for the general meeting shall be one-fifth of the total number of the members subsisting as such as on the date of a notice of the general meeting.

(ii) No general meeting shall be held or proceeded with unless the number of members required to form a quorum is present.

(iii) If within an hour from the time appointed for the meeting no quorum is formed, in case of a meeting which has been called on the requisition of members under sub-section (1) of section 31 shall not be adjourned but dissolved.

(5) The Secretary or any other officer convening the meeting shall read out the notice convening the meeting and the agenda for the meeting and then the subjects shall be taken up to for consideration in the order in which they are mentioned in the agenda unless the members present, with the permission of the Chairman, agree to change the order, Unless otherwise specified in the Act, these rules and the bye-laws, the resolutions will be passed by a majority of the members present.

(6) When the members are divided on any resolution any member may demand a poll. When poll is demanded, the Chairman shall put the resolution for vote.

(7) Voting may be by show of hands or by ballot as may be decided by the members present at the meeting, unless otherwise specified in the bye-laws.

(8) When voting is to be by ballot, the Chairman shall take necessary steps for the issue of ballot papers and counting of votes.

(9) The result of voting shall be announced by the Chairman.

(10) If all the business in the agenda cannot be transacted on the date on which the general meeting is held, the meeting may be postponed to any other suitable date not later than 7 days from the date of the meeting as may be decided by the members present at the meeting.

(11) The remaining subject or subjects on the agenda shall be taken up for consideration at the postponed meeting.

(12) If the general meeting cannot be held for want of quorum, it shall be adjourned to a later hour on the same day as may have been specified in the notice calling the meeting or

to a subsequent date not earlier than seven days and not later than 15 days and at such adjourned meeting the business on the agenda of the original meeting shall be transacted whether there is a quorum or not.

(13) No resolution regarding expulsion of a member of the society, removal of a member of the committee or amendment of bye-laws shall be brought forward in any general meeting, unless due notice thereof is given in accordance with the provisions of the Act; these rules and the bye-laws of the society.

14.(i) Every society shall cause minutes of the proceedings of general meetings to be entered in a book kept for that purpose.

(ii) Unless the minutes are drawn up and are duly signed by the Chairman immediately on the termination of the meeting, the minutes free from all alteration or corrections, shall be drawn up and shall be signed by the Secretary and the Chairman within 72 hours from the time when the meeting terminated. The minutes so signed shall be the evidence of the proceedings of that meeting.

(iii) Until the contrary is proved, every general meeting of a society in respect of the proceedings whereof minutes have been so recorded, shall be deemed to have been duly called and held.

(15) In the event of disorder, the chairman may suspend the meeting and adjourn it to such date or time as he may fix as provided in sub-rule (12).

31. *Power to call annual and special general meeting.*—Notwithstanding anything contained in these rules or bye-laws of a society as to the mode of summoning a general meeting and the period of notice to be given for the said purpose, the Registrar or any other person authorised by him in this behalf may call the annual general meeting or a special general meeting, as the case may be, if the annual general meeting of the society is not called in accordance with the provisions of section 30 or if the Committee of a society or an officer authorised in this behalf fails to call a special general meeting in accordance with the provisions of section 31 in such manner and at such date, time or place as he may direct and may specify what matters shall be discussed in the meeting. The Registrar or the person authorised by him in this behalf shall have all the powers and functions of the officer of the Society authorised to convoke such annual or special general meetings, under its bye-laws and preside at such meeting and exercise all the powers and perform all the duties of the Chairman of a meeting including the power to adjourn the meeting to a date to be specified by him, but

shall have no vote unless he is a member of the society. In the event of equality of votes, the question shall be decided by drawing lots.

**32. Election of members of Committee by the General body—**

(1) The election of the members of the committee of every society belonging to the following classes shall be conducted in the manner specified in this rule:

- (i) Apex societies,
- (ii) Central societies;
- (iii) any other society or class of societies which the Registrar may from to time specify in this behalf:

Provided that a society may, for the purpose of election of members to its committee divide its membership into different groups on a territorial or any other basis. The bye-laws of such a society may specify the number or proportion of the members of the committee who may be elected to represent each such group on the committee and may specify further that such representatives may be elected. —

(a) by all the members of the society; or

(b) by only that particular group of members of the society to which such representative belong.

(2) The election shall be held at a general meeting of the society of which not less than seven clear days notice shall be given to the members. The chairman or in his absence the vice Chairman or in the absence of both any other person presiding over the meeting (such person being hereinafter in this rule referred to as the 'presiding officer') shall commence and conduct the election provided that at the commencement of the meeting there shall be the quorum specified in the rules of the bye-laws:

Provided that no person seeking election shall act as the presiding officer and any other officer of the society not seeking election shall be chosen as the presiding officer by the committee of the society. In case of all the members of the committee are seeking election the presiding officer shall be appointed by the Registrar.

(3) (i) The notice of the general meeting shall be sent to the members by one or more of the following modes, namely:—

- (a) by local delivery;
- (b) by post under certificate of posting;
- (c) by circulation among the members;
- (d) by publication through beat of drum; or
- (e) by publication through press.

Notice of the general meeting shall also be affixed to the notice board of the society and published at such public places of importance as may be decided by the committee of the society.

- (ii) the notice shall contain information regarding—
  - (a) the number of vacancies to be filled up by election;
  - (b) any area of constituency that is specified in the bye-laws from which the members are to be elected;
  - (c) the qualification if any prescribed in the bye-laws for eligibility for membership of the committee.
  - (d) the date on which, the place at which and the hours between which nomination papers shall be filled by member, such date being not less than three clear days before the date fixed for election; or if that day is a public holiday the next succeeding day which is not a public holiday.

*Explanation.*—In this clause ‘public holiday’ means any day which is a public holiday for the purposes of section 25 of the negotiable Instruments Act, 1881 (Central Act XXVI of 1881), or any day which has been notified by the Government to be a holiday for the Government offices in the State.

- (e) the date on which, the place at which and the hour when the nomination papers will be scrutinized, and
- (f) the date on which, the place at which and the hours between which the polling will take place.

(4) The Committee shall prepare a list, as it stood on the date thirty days prior to the date fixed for the poll, of members who are qualified in accordance with the provisions of the Act, these rules and the bye-laws to vote at the election and publish copies of the list by affixing them to the notice board at the head office of the society and all its branches not less than ten days prior to the date fixed for election. The list shall specify the admission number and name of the eligible member, the name of the father or husband and the address of such member. A copy of the list shall be supplied by the society to any member on payment of fifteen paise per folio.

(5) (i) The nomination of the candidate for election shall be made in Form No. “G”. The form shall on application be supplied to a member on payment of such fee as may be specified by the Committee.

(ii) Every nomination paper shall be signed by two members whose names are included in the list referred to in sub-rule (4). One of the members shall sign the Form as pro-

poser and the other as seconder for the nomination. The nomination paper shall also contain a declaration signed by the candidate proposed for election to the effect that he is willing to stand for election.

(iii) Every nomination paper shall be presented in person to the Chairman of the society or any other officer duly authorised in this behalf by the committee of such society or by the Registrar, by the candidate himself or by his proposer or seconder, before the date and hour specified in the notice referred to in sub-rule (3).

If the Chairman himself is a candidate for election, the committee of the society shall authorise some other officer who is not a candidate for election to receive the nomination papers. In case of all the members of the Committee are seeking election the presiding officer appointed by the Registrar shall receive the nomination paper.

(iv) (a) The person who receive the nomination paper shall enter on the nomination paper its serial number and certify the date and hour at which the nomination paper is received by him and also immediately acknowledge receipt of the nomination paper.

(b) Nomination papers received after the date and hours fixed under clause (ii) of sub-rule (3) shall be rejected.

(6) (i) (a) On the day following the date fixed for the receipt of nomination papers, the committee of the society shall take up the scrutiny of the nomination paper, at a special meeting convened for the purpose notwithstanding that the quorum specified in the bye-laws for a meeting is not present. No member of the committee whose name has been proposed for election shall attend or participate in such meeting in his capacity as a member of the Committee:

Provided that a member whose name has been proposed for election, his proposer and his seconder may be present at the time of scrutiny.

(b) The committee shall examine the nomination papers and shall decide all objections which may be made at the time of scrutiny and may either on such objection or on its own motion after such summary enquiry if any, as the committee thinks necessary, reject any nomination for valid reasons:

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, as entered in this list of members referred to in sub-rule (4), if

the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

(ii) The Committee shall give all reasonable facilities to the contesting candidates or their representatives to examine all the nomination papers and satisfy themselves that the inclusion of the contesting candidates is valid.

(iii) The committee shall endorse on each nomination papers its decision accepting or rejecting the same and if the nomination paper is rejected shall record in writing a brief statement of its reasons for such rejection.

(7) The list of valid nominations as decided by the committee shall be published on the notice board of the society on the same day on which the scrutiny of the nomination papers is completed.

(8) Any candidate may withdraw his candidature by notice in writing signed by him and delivered at any time after the presentation of his nomination paper but before 5 p. m. on the day following the day on which the valid nomination are published under sub-rule (7) to the Chairman of the society or any other officer authorised for the purpose under clause (iii) of sub-rule (5) either by such candidate in person or by his proposer or seconder. A notice of withdrawal of candidature once given shall be final.

(9) If for any area of constituency for which election is to be held, the number of candidates in respect of whom valid nomination papers have been filed does not exceed the number of candidates to be elected for that area or constituency, the candidates for whom valid nominations have been received shall be deemed to have been duly elected for the area or constituency as the case may be and the names of such candidates shall be published in the notice board of the society. The presiding officer may make an announcement to this effect at the commencement of the meeting convened for election.

(10) If the number of candidates for any area or constituency exceeds the number to be elected, the presiding officer shall arrange for taking a poll on the date fixed for the purpose, who may appoint one or more polling officers as may be necessary.

(11) The presiding officer shall provide the polling officer with the ballot boxes, ballot papers, copy of the list of members referred to in sub-rule (4) and such other articles as may be necessary for the conduct of the election. The ballot box shall be so constructed that ballot papers can be introduced therein but cannot be taken out therefrom without the box being unlocked.



(12) A candidate contesting the election may, by a letter to the presiding officer, appoint an agent to represent him at every booth where polling is held. Such letter shall contain the consent in writing of the agent concerned.

(13) Immediately before the commencement of the poll, the presiding officer shall show the empty ballot box to such persons as may be present at the time and shall then lock it up and place his seal upon it in such manner as to prevent its being opened without breaking the seal. The candidate or his agent may also affix his own seal, if he so desires.

(14) The ballot papers shall contain the names of the candidates and the seal of the society.

(15) Each polling station and where there is more than one polling booth at a station, each such booth shall contain a separate compartment in which the members can record their votes screened from observation.

(16) No ballot paper shall be issued to a member unless the polling officer is satisfied that the member concerned is the same person as noted in the list furnished to him.

(17) On receiving the ballot paper, a member shall forthwith proceed into the polling compartment, make the Mark 'x' or '+' on the ballot paper against the name or names of the candidate or candidates for whom he desires to vote and put the ballot paper in the ballot box with the utmost secrecy.

(18) If owing to blindness or other physical infirmity, or illiteracy, a member is unable to mark the ballot paper, the polling officer shall ascertain from him the candidate or candidates in whose favour he desires to vote, make the mark on his behalf openly and put the ballot paper in the ballot box.

(19) The counting of votes shall commence immediately after the polling is completed. Votes shall be counted by or under the supervision of the presiding officer. Each candidate and his authorised agent shall have the right to be present at the time of counting.

(20) (i) A ballot paper shall be rejected:—

- (a) if it bears any mark by which the member who voted can be identified; or
- (b) if it does not bear the seal of the society; or
- (c) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been cast.

(ii) The authority competent to reject a ballot paper shall be the presiding officer.

(21) (i) Soon after the counting of votes is over, the presiding officer shall prepare and certify a return setting forth—

- (a) Total number of ballot papers issued;
- (b) the number of valid votes given to each candidate;
- (c) the number of ballot papers declared to be invalid or rejected. On the basis of this return, the candidates who have secured the largest number of valid votes shall be declared elected at the general meeting and their names shall be published on the notice board of the society under the signatures of the presiding officer; and
- (d) In case of equality of votes polled by two or more candidates lots shall be drawn in such manner as the presiding officer may fix to determine the name or names of the successful candidate or candidates.

(ii) The result of the election shall also be recorded in the minute book of the society and attested by the presiding officer.

(22) The Chairman of the society shall take custody of the ballot papers and shall preserve them for three months from the date of the poll. The ballot papers and other records relating to the election shall be secured in a container which shall be affixed with the seal of the society and of the candidates who desire to affix their seals. They shall be destroyed after the said period of three months, if no dispute relating to or in connection with that election is referred to the Registrar.

(23) The Registrar may, in respect of any society, either on his own motion or on an application from such society appoint any person as an election officer to conduct the election if, in his opinion, such a course is necessary for the proper conduct of the election. Where an election officer is so appointed, all references to the Chairman presiding officer or the committee, as the case may be occurring in sub-rule (5) (iii), (6), (7), (8), (9), (10), (19), (20) (ii), 21 (i) shall be construed as references to the election officer.

(24) Where an election officer is appointed to conduct the election, the results of the election recorded by the presiding officer in the minutes books under clause (ii) of sub-rule (21) shall also be attested by the election officer.

(25) The Registrar may, in respect of any society registered after the commencement of the Act, where a committee has not been appointed under the proviso of section 33, appoint any person as an election officer to conduct the election for the constitution of a committee in accordance with the bye-laws.

Where an election officer is so appointed, all references to the Chairman, presiding officer or the committee, as the case may be, occurring in this rule except in sub-rule (22), (23) and (24) shall be construed as references to the election officer. The election officer shall in such cases record the results of the election in the minutes book of the society and attest the same.

33. *Election of Chairman, Vice-Chairman, etc., by the members of the committee.*—(1) The election of Chairman, Vice-Chairman, Secretary, treasurer or any other officer by whatever name he is designated shall be by ballot in the manner specified in this rule.

(2) As soon as the members of the committee have been elected the Chairman of the society shall arrange to convene a meeting of the members of the committee for the purpose of election of the officers.

(3) The meeting shall be presided over by the Chairman or vice-Chairman of the society, if he is not a candidate for election or any other member not being a candidate for election chosen by the committee, or any person authorised by the Registrar (such person being hereinafter in this rule referred to as the presiding officer) for the purpose.

(4) The nomination papers shall be presented to the presiding officer at the meeting, in the form prescribed in sub-rule (5) of rule 32. The presiding officer shall decide the objections, if any, which may be made at the time, to any nomination after making such summary enquiry as he thinks necessary and announce the name or names of the eligible candidate or candidates:

(5) Where there is not more than one valid nomination for any office, the presiding officer shall declare the candidate in respect of whom the nomination paper has been received duly elected to such office.

(6) Where there is more than one valid nomination for any office, the presiding officer shall forthwith arrange for taking a poll by providing the ballot papers and ballot box. The member shall make the mark 'x' or '+' in the ballot paper against the name or names of the candidate or candidates for whom he desires to vote and put the ballot paper into the ballot box with the utmost secrecy.

(7) As soon as all the members present have recorded their votes or the time fixed for voting is over, the presiding officer shall open the ballot box in the presence of the members, count the votes and announce the results of election declaring the candidate or candidates elected who have secured highest votes with the number of votes secured by each. In the event

of equality of votes polled by two or more candidates, lots shall be drawn in such manner as may be determined by the presiding officer.

(8) The proceedings of the meeting with the results of the election shall be recorded in the minutes book of the society and attested by the presiding officer.

(9) The ballot papers and other records shall be secured in a container which shall be affixed with the seal of the society and of the candidates who desire to affix their seals, and they shall be preserved for three months from the date of election. They shall be destroyed after that period, if no dispute relating to or in connection with the election is referred to the Registrar.

(10) The Registrar may, in respect of any society, either on his own motion or on an application from such society, appoint any person as an election officer to conduct the election of the officers specified in sub-rule (1) of this rule, if, in his opinion, such a course is necessary for the proper conduct of such election. Where an election officer is so appointed all references to the chairman, presiding officer, as the case may be, occurring in sub-rule (2), (3), (4) (5) (6), (7), (8) & (9) of this rule shall be construed as references to the election officer.

**34. Appointment of Committee.**—(1) Subject to the provisions contained in section 33 and 36 of the Committee of a society shall be constituted in the manner provided in the bye-laws. The number of members of the committee of a society shall in no case be less than five:

Provided that where the bye-laws so provide, the Government or the Registrar may nominate all or any of the members of the committee for such period as may be specified in the bye-laws.

(2) The members of the committee shall continue in office for such period as may be specified in the bye-laws or until another committee is constituted.

(3) A casual vacancy in the office of an elected member shall be filled up by cooption by the remaining members of the committee or any other mode specified in the bye-laws. Such member shall hold office till the next general meeting when the vacancy shall be filled by election.

(4) The Registrar or any other authority competent to register a society other than a financial bank shall be the specified authority to nominate as members of the Committee on behalf of the Government under section 35:

(5) The Committee shall as soon as may be possible elect from among its members a chairman and such other officers as are specified in the bye-law unless they provide for such election by general meeting.

35. *Disqualification for representation*.—(1) (a) No society shall elect any member as its delegate, who suffers from any of the disqualifications laid down in rule 36 to represent the society in another society or to the committee of another society.

(b) A money lender as defined in the Rajasthan Money Lenders Act, 1963, (Act 2 of 1964).

(2) A delegate of a society sitting on the committee of another society or representing it in another society shall cease to hold his office as such :—

(a) if he suffers from any of the disqualifications laid down under the rule 36;

(b) if he ceases to be a member of the society from which he is delegated; or

(c) if the society which elected him as a delegate withdraws him or elects another delegate in his place; or

(d) if the committee of a society which elected him has been removed under sub-section (1) of section 36; in which case the person appointed under the said sub-section shall have power to nominate himself to fill the vacancy so caused; or

(e) if he was appointed to manage the affairs of a society after the removal of the committee under sub-section (1) of section 36; when a new committee is constituted under sub-section (4) of section 36; or

(f) if the registration of the society of which he is a delegate is cancelled or orders for winding up of the society have been issued.

36. *Disqualification for membership of Committee*.—(1) No person shall be eligible for election or appointment as a member of the committee of a co-operative society, if:—

(a) he is, in the opinion of the Registrar, persistently and deliberately committing breach of the co-operative discipline with reference to linking up of credit with co-operative marketing or co-operative processing, or

(b) he has, directly or indirectly, any interest in any subsisting contract made with the society or in any property sold or purchased by the society or in any other transaction of the society, except in any investment made in, or any loan taken from, the society; or

- (c) he is a Government servant; or
- (d) he is a paid employee of a society unless the society is composed of exclusively of paid employees; or
- (e) is or becomes of unsound mind.

Provided that a Government servant shall be eligible for appointment as a member of the committee of a society composed of exclusively of Government employees; or as a nominee of the Government or any authority specified by the Government in this behalf under section 35, or as a nominee of the Government or the Registrar under the authority given by the bye-laws, or is a representative of such a society of which all the members are Government Servants or employees of a society.

(2) (i) A member of a society who carries on business of the kind carried on by his society, shall not be eligible to be a member of the committee of that society without the general or special sanction of the Registrar.

(ii) Where any person not eligible to be a member of the committee without the general or special sanction of the Registrar is elected to be a member of such committee without the sanction of the Registrar, he shall cease to be a member of the committee on receipt of a written requisition by the Committee in that behalf from the Registrar.

(3) He has been convicted of an offence under Untouchability (Offences) Act, 1955 (Central Act 22 of 1955).

(4) He has been convicted of an offence punishable under the Rajasthan Prevention of Mrityu Bhoj Act, 1960.

(5) A member of the committee of a society shall cease to hold office if he incurs any of the disqualifications mentioned in sub-rule (1) or (2) or (3) or (4) or incurs any of the disqualification specified by the Act, or ceases to be member of the society (unless he is nominated or co-opted member of the committee).

37. *Remuneration payable to Administrator.*—The remuneration payable to an Administrator appointed under section 36 shall be such as the Registrar may, from time to time, determine.

(2) The amount of such remuneration and the other costs, if any, incurred by the Administrator in relation to the management of the cooperative society shall be payable from the funds of the society.

38. *Procedure for appointment, suspension and removal of member or members of the committee and other officers, etc.*—(1) Notwithstanding anything contained in the bye-laws of a society but subject to the provisions of sections 36, the Registrar may by an order—

- (a) remove the committee and appoint an Administrator, who shall be a Government servant, to manage the affairs of the society; or
- (b) remove any member of the committee of a society and get the vacancy filled up for the remainder of the term of the outgoing member according to the bye-laws,

(2) Before making any order under sub-rule (1), the Registrar shall consult the financing bank to which the society is affiliated and give an opportunity to the committee or the member concerned to show cause, within fifteen days from the date of issue of notice, why such an order shall not be made.

(3) The member appointed under clause (b) of sub-rule (1) shall hold office so long as the member in whose place he is appointed would have held office, if the vacancy had not occurred, or till the next general meeting when the vacancy shall be filled by election whichever is earlier.

(4) Immediately after the appointment of an administrator under sub-rule (1), the committee in whose place such appointment is made and officers of the society shall give the administrator the charge of all the books, accounts, documents, papers securities, cash and other properties belonging to, or in the custody of the society.

(5) The Chairman or any officer of a society may be removed from the office by a resolution of a general meeting specifically convened for the purpose.

**39. Notice of meeting of the committee.**—The notice of a meeting of the committee of a society specifying the place, date and hour of the meeting together with an agenda or business to be transacted thereat shall be given, no less than 7 days or such less period as may be provided in the bye-laws, to each member of the committee in writing or in such other manner as may be laid down in the bye-laws, before the date of the meeting.

Provided that any urgent business, though, not included in the agenda accompanying the notice may, however, be brought up and considered with the consent of all the members present at the meeting.

**40. Procedure to be adopted for taking possession of books documents, securities, cash, other properties etc. of the society.**—(1) Where taking possession of books, accounts, papers, securities cash or other properties of a society is considered necessary and where taking of such possession is resisted or obstructed, the Rajasthan, the liquidator, the administrator or any other person entitled to the same may take of cause to be taken order for seizing the books,

accounts, documents, papers, securities, cash or other properties of the society, as the cash may be in the manner provided in section 37.

(2) Any person appointed by the Registrar as a Liquidator of a society or any person authorised by the Registrar to audit the accounts of a society under section 68 or any person authorised by the Registrar to hold an inquiry into the constitution, working and financial conditions of a society under section 70 or any person authorised by the Registrar to inspect the books of a society under section 71 or inspections of Books by Financing Banks under section 72 shall, in cases where the misappropriation of funds, breach of trust or fraud has been committed or where it is suspected or apprehended that the books, accounts documents, papers, securities, cash or other properties of a society are likely to be tampered with or destroyed or removed and where taking possession of such books, accounts, papers, securities, cash or other properties is considered necessary shall follow the same procedure, with the previous permission of the Registrar, as is laid down in section 37 for the purpose of obtaining such possession.

41. *Officers and employees of co-operative society.*—(1) Notwithstanding anything contained in the bye-laws of society no Co-operative society shall appoint any person as its paid officer or employee in any category of service, unless he possesses the qualifications and furnishes the security if so specified by the Registrar from time to time, for such category of service in the society, or for the class of society to which it belongs. The conditions of service of the employees of the societies shall be as specified by the Registrar.

(2) No co-operative society shall retain in service any paid officer or employees, if he does not acquire the qualifications or furnish the security as is referred to in sub-rule (1) within such time as the Registrar may direct.

(3) The Registrar may for special reasons, relax in respect of any paid officer or employee, the provisions of this rule in regard to the qualifications he should possess or the security he should furnish.

(4) Where in the course of an audit under section 68 or an inquiry under section 70 or an inspection under section 71 or section 72 it is brought to the notice of the Registrar that a paid officer or servant of a society has committed or has been otherwise responsible for misappropriation, breach of trust or other offence, in relation to the society, the Registrar may, if in his opinion, there is *prima facie* evidence against such paid officer or servant and the suspension of such paid officer or servant is necessary



in the interest of the society direct the committee of the society pending the investigation and disposal of the matter, to place or cause to be placed such paid officer or servant under suspension from such date and for such period as may be specified by him.

(5) On receipt of a direction from the Registrar under sub-rule (4), the committee of the society shall, notwithstanding any provision to the contrary in the bye-laws, place or cause to be placed the paid officer or servant under suspension forthwith.

(6) The Registrar may direct the committee to extend from time to time the period of suspension and the paid officer or servant suspended shall not be reinstated except with the previous sanction of the Registrar whose decision thereon shall be final,

(7) If the committee fails to comply with the direction issued under sub-rule (4), the Registrar may make an order placing such paid officer or servant under suspension from such date and for such period as he may specify in the order and thereupon the paid officer or servant, as the case may be, shall be under suspension.

**42. Prohibition against being interested in contracts etc.—**(1) No officer of a co-operative society shall have an interest, directly or indirectly otherwise than as such officer:—

- (a) in any contract made with the society; or
- (b) in any property sold or purchased by the society; or
- (c) in any other transaction of the society except as investment made or as loan taken from the society or the provision of residential accommodation by the society to any paid employee of the society.

(2) No officer of a co-operative society shall purchase, directly or indirectly, any property of a member of the society sold for the recovery of his dues to the society.

**43. Annual statement of accounts including balance sheet etc.—**Within forty-five days of the close of every co-operative year, or within such extended period, as may be specified by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing,—

- (i) receipts and disbursements during the previous co-operative year,
- (ii) the profit and loss account for the year, and
- (iii) the balance sheet as at the close of the year.

These statement of accounts shall be open to inspection by any members during office hours at the office of the society and a copy thereof shall be submitted, within fifteen days from the date of preparation, to the auditor appointed by the Registrar for the audit of that society.

**44. Form for the balance sheet and the profit and loss account.**—(1) The balance sheet and the profit and loss account to be laid before the annual general meeting of a society by the committee shall ordinarily be in form “H” :

Provided that, it shall be competent for the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.

(2) A copy of the balance sheet and profit and loss account to be presented at the annual general meeting under sub-section (2) of section 30 and a copy of the report of the committee under sub-section (3) of section 30 shall be fixed on the notice board of the society at least fourteen days before the date fixed for the annual general meeting.

## CHAPTER V

### Privileges of Co-operative Societies

**45. Raising of funds by societies:**—(1) Every society, which has a share capital, shall provide in the bye-laws the maximum amount of such share capital, the number of shares into which it is divided, the class of shares the face value of each share of each class and the rights and liabilities attaching to each class of shares and where the full amount of the share is not payable on allotment, the amount and the number of instalment in which it is required to be paid and such other incidental matters.

(2) Any society, which is authorised under its bye-laws to raise funds by issue of debentures and bonds, may, with the prior sanction of the Registrar, frame regulations regarding the maximum amount to be raised by the issue of debentures and bonds, the class or classes of debentures and bonds, the face value of each debenture or bond, the date on which the debentures or bonds are to be redeemed, the rate at which interest is payable, the terms and conditions regarding transfer of debentures and bonds and other incidental matters.

(3) The total amount of debentures and bonds issued at any time together with the other liabilities incurred by the society shall not exceed the maximum amount which the society can borrow under the provisions of rule 59, 60, 61, or 62 as the case may be, and its bye-laws.

**46. Additional conditions for raising funds by societies.—**

The Registrar may, by general or special order, lay down such additional conditions as he deem fit, subject to which and the extent upto which any society or class of societies may receive deposits, issue debentures or raise loans from any creditor other than a Central Bank.

**47. Regulation of loans to be granted by societies:—**(1) In case of grant of loans against security of movable or immovable property, the lending society shall maintain such margin as the Registrar may, by general or special order; direct from time to time with reference to different commodities, securities or classes of societies.

(2) In case of cash credit, the amount of loan shall not exceed such multiple of owned funds of the borrowing society as may be laid down by the Registrar from time to time.

(3) It shall be law-ful for a society to grant loans without taking security of movable or immovable property if the purpose for which the loans given is considered production-worthy or creditworthy and it is reasonably expected that the loans will be repaid by the loanee. The Registrar may, issue directions to societies to ensure that creditworthy purposes indicated above received finance from the societies without any difficulties, on the one hand, and without being detrimental to the financial interest of the societies on the other.

(4) The Registrar may recognise a Central Bank as a Central Financing Agency which shall be primarily responsible for financing credit requirements of all creditworthy purposes through the concerned societies in its jurisdiction. On such recognition, such Bank shall be responsible for making all possible efforts to mobilise local resources for making loans available to the societies in its area. Such loans may be granted for creditworthy purposes, giving due importance to the production plans and requirements of various stratas of the producers and co-operative discipline with reference to linking up of credit with co-operative processing or co-operative marketing.

(5) Except with the general or special permission of the Registrar, the loan advanced to a member by a society, or to a society by a financing Bank, shall be subject to such conditions as may be laid down by the Registrar, including the maximum amount to be advanced and the period of repayment, both in regard to total advances to members and societies as also against different types of securities.

(6) In the matter of grant of loans to societies by Central Banks or to members by Primary societies, the Registrar may lay down the procedure regarding receiving applications,

assessing credit needs, making inquiries in respect of the production programme for which such loan is required and the procedure for finally sanctioning the loan as also the rates of finance to be followed from year to year and the nature of inquiries to be made for the purpose of financing of different crops and imposition of certain conditions regarding proper utilisation of loans and sale or agricultural produce through specified co-operative organisation, before such finance is granted.

(7) The Registrar may by general or special order prohibit or regulate grant of loans by a Central Bank or a society where such grant is considered neither in the interest of the society nor in the interest of that development of co-operative movement on sound lines.

(8) No society shall carry on transactions on credit or sanction trade credit to its members or to non-members except in accordance with the general or special direction that may be issued by the Registrar in that behalf.

**48. Credit Limits by non-credit societies.**—(1) No society whose objects do not include grant of loan or financial accommodation to its members shall grant loans or sanction credit to any member without the sanction of the Registrar:

Provided that any society which has, as one of its objects, supply of goods or services required by members for production purposes, may supply goods or provide services on credit against sufficient security on condition that the cost of the goods supplied or services provided shall be recoverable from the amount of the sale proceeds of the agricultural produce or other goods produced by the member.

(2) A consumer society may sell goods on credit to its members and other customers up to the extent of deposits received from them.

**49. Form of declarations to be made by members borrowing loans from certain societies and conditions on which any charge in favour of a society shall be satisfied.**—(1) A declaration to be made under clauses (a) and (b) of section 39 shall be in Form "C".

(2) A register of such declarations shall be kept by the society in Form "D".

(3) A charge on any immovable property created by a member in favour of a society for amounts borrowed or likely to be borrowed by him, from time to time, shall, subject to the provisions of clauses (c) and (d) of section 9 continue in force till the person creating the charge ceases to be a member of the society.

(4) Where a member of a society creates a charge on his land or on his interest in any land as a tenant by declaration under section 39; the society may, if compelled to make use of such property for the recovery of the loan granted to such member against the security of such property or interest in the property utilise the whole or any portion of such property which may be sufficient to satisfy the amount due with interest and any incidental expenses incurred in that connection.

(5) Where a charge is created by a member on his land or on his interest in any land as a tenant by declaration under section 39, the society shall record or cause to record such particulars of charge in the Record of Rights maintained by the village officers of the village where such property is situated. Such recording of the charge in the Record of Rights of the village shall be treated as a reasonable notice of such charge created under section 39.

50. *Deduction from the salary or wages.*—(1) On the execution of an agreement under sub-section (1) of section 41, the society may send intimation by registered post or by messenger of the execution of the agreement to the employer or the officer disbursing the salary or wages of the member who has executed the agreement and furnish the said employer office with a copy of such agreement certified in the manner specified in rule 103. The employer or the office disbursing the salary or wages shall on receipt of such intimation from the society, make a note of the agreement in the register maintained by him for the disbursement of salary or wages.

(2) A member who has executed such an agreement shall, on every occasion becomes subject to a new pay disbursing authority whether by reason of change of office or place of employment or otherwise, within a week of his becoming as subject, give intimation of the same to the society. Similarly in case of such change of office or employment the former disbursing authority shall also give intimation to the change of office or place employment to the society within a week of such change. The society shall within a fortnight of the receipt of such intimation send intimation by registered post or by messenger of the execution of the agreement to such pay disbursing authority and furnish the said authority with a copy of such agreement certified in the manner specified in rule 103. The employer or the officer concerned shall, on receipt of such intimation from the society, make a note of the agreement in the register maintained by him for the disbursement of salary or wages.

(3) Any amount recovered by an employer or officer disbursing salary or wages from an employee by deduction from his salary or wages in pursuance of a requisition received from any society or societies; as the case may be, remitted by such employer or officer as the case may be, to the society or societies concerned as soon as possible and in any case within a period of fourteen days from the date of recovery.

(4) The cost of remittance to the society or societies of the deductions made under sub-section (2) of section 41 shall be borne by the society or societies concerned. The employer or the officer disbursing the salary or wages shall furnish to the society or societies, as the case may be, alongwith the remittance a statement of recoveries effected from the members and the cost of remittance, if any, of the money to the society or societies in Form No. E.

(5) Where an amount deducted by the employer or the officer disbursing the salary or wages of the member of a society under sub-section (2) of section 41 is remitted by such employer or officer to a society, the society shall promptly issue to such employer or officer a receipt for the amount so remitted; and the receipt given by the society for such amount shall constitute a good and sufficient discharge of the liability of such employer or officer in respect of any claims by such member against such employer or officer.

(6) Any amount realised by a society from a member by deduction shall be credited by the society to the account of such member on the date on which the amount was deducted by the employer or the officer disbursing the salary or wages irrespective of the date on which the amount was actually received by such society, the particulars of credit for the amount realised shall forthwith be furnished to the members by the society.

(7) The employer or the officer disbursing the salary or wages shall maintain a register showing the recovery and remittance of moneys due to societies in form No. F.

51. State aid to societies:—(1) Subject to the provisions of the Act. the Government may grant State aid in any form to a society on the following terms and conditions, namely:—

(a) A society receiving State aid shall not pay any dividend or distribute or take any profit in excess of such percentage, rate upon the amount of the capital of the society as the Government may, from time to time, fix.

(b) A society receiving State aid shall, with the approval of the Registrar appoint a paid secretary or manager of the society.

(c) A society receiving State aid shall be bound—

(i) to comply with any general or special order of the Government or Registrar relating to the inspection of the society;

(ii) to permit the inspection of all accounts relating to the society;

(iii) to maintain such accounts and to furnish such statements and returns as the Government or the Registrar may, from time to time, require; and

(iv) to comply with any order or conditions issued or imposed by the Government as may in its opinion be necessary or expedient to safeguard its interest.

(2) If the society to which State aid has been given in any form, fails to comply with any order made under the Act or the rules framed thereunder, or commits any breach of any terms or conditions laid down for the grant of State Aid, or if on inspection of accounts, returns, statements or audit report of such society the Government is of opinion that the State aid should be withdrawn, the Government may after considering any representation which the society may make within such time as the Government may allow, in this behalf, make an order directing—

(i) that the balance of any loan outstanding shall be recoverable forthwith;

(ii) that the guarantee given shall cease from the date of such orders;

(iii) that the full value of any other State aid given and enjoyed till the date of the order shall be payable forthwith and the grant of such State aid beyond such date shall be discontinued.

(3) The Government may set out other terms or conditions on which it shall provide State aid to a society.

## CHAPTER VI

### *Properties and Funds of Co-operative Societies.*

52. *Writing off of bad debts and losses.*—All loans including interest thereon and recovery charges in respect thereof which are found irrecoverable and are certified as bad debts, by the auditor appointed under section 68, shall first be written off against the Bad Debt Fund and the balance, if any, may be written off against the Reserve Fund and the share capital of the society.

All other dues and accumulated losses or any other loss sustained by the society which cannot be recovered and have been certified as irrecoverable by the auditor may be written off against the Reserve Fund or share capital of the society; Provided that;—

(1) no bad debts or losses shall be written off without the sanction of the general body;

(2) before any such bad debts or losses are so written off, the society, if it is affiliated and indebted to a financing Bank, shall first obtain the approval of that Bank in writing and also the approval of the Registrar. If the society is affiliated but not indebted to the financing Bank and in all other cases, it shall obtain the approval of the Registrar in writing. If the society is a Central Bank, approval of the State Co-operative Bank and the approval of the Registrar shall first be obtained;

Provided that, in case of societies classified as A or B at the time of last audit, no such permission need be taken if the bad debts are to be written off against the Bad Debt Fund specially created for the purpose:

Provided further that the Registrar may while giving the approval, impose such conditions as to the recoupment of the Bad Debt Fund and restoration of part or whole of the amount written off against the Reserve Fund, from out of future profits as he deems fit.

53. *Co-operative Education Fund*—(1) Every Co-operative Society shall contribute to the Co-operative Education Fund to be administered by the State Co-operative Union at a rate of 1% of its net profits out of the net profits of the year.

(2) The contributions payable by a society shall be a charge on the funds of the society and shall be recoverable in the manner provided in Section 118 of the Act as arrears of land revenue and the officer of the society wilfully failing to comply with the requirement of this rule, shall be personally liable for making good the amount to the State Co-operative Union. The amount so allocated shall be remitted to the State Co-operative Union within two months of the date of allocation of the net profits by the General body of the society. The State Co-operative Union shall prepare regulations with the approval of the Registrar for the utilisation and administration of the fund and such regulations shall, among other things, provide for distribution amongst the District Co-operative Unions, and contribution to the All India Co-operative Union. No part of the funds shall be utilised by the State Co-operative Union till the previous permission of the Registrar is obtained or regulations as aforesaid are approved by him.



54. *Investment of other funds.*—(1) A society may invest any of its funds (other than the reserve fund) in any of the modes specified in section 63 when such funds are not utilised for the business of the society.

*Explanation.*—For the purpose of this sub-rule, 'business of society' shall include any investment made by the society in immovable property with the prior sanction of the Registrar in the process of recovery of the society's normal dues or for the purpose of construction of building or buildings for its own use.

(2) The Registrar may, in the case of any society or class of societies, specify by a special or general order the maximum amounts to be invested in any class or classes of securities.

(3) Every society which has invested an amount not less than 10 percent of its working capital in securities shall be required to constitute an investment fluctuation fund. The Registrar may direct that a specified percent of the net profits every year shall be credited to the investment fluctuation fund until, in his opinion, the amount of the funds is adequate to cover anticipated losses arising out of the disposal of the securities.

(4) A society may, with the previous sanction of the Registrar, invest the whole or any portion of its funds in the purchase for lease of land or in the acquisition, construction or renewal of any building that may be necessary to conduct its business. The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar.

(5) The provision of sub-rule (4) shall not apply—

(a) to immovable property purchased—

(i) by a society at a sale held in execution of a decree obtained by it, for the recovery of any sum due to it; or

(ii) by a financing bank at a sale held in execution of a decree obtained by a society financed by it, for the recovery of any sum due to such society or at a sale brought about by the liquidator or such society; or

(b) to the purchase or lease of lands or purchase, construction or renewal of buildings by a society whose objects according to its bye-laws include such purchase, lease, construction or renewal.

(6) No recoupment of the amount invested under this rule shall be necessary where the investment is made—

(a) by a society from its building fund constituted out of profits, or,

(b) by a society, other than a credit society, in which the share capital raised from the members is intended to build up the special kind of business for which it has been registered.

(7) Nothing in this rule shall apply to investment of the reserved fund of a society and such investment shall be governed by rule 55.

**55. Object and investment of reserve fund.**—(1) A reserve fund maintained by a co-operative society shall belong to the society and is intended to meet unforeseen losses. It shall be indivisible and no member shall have any claim to a share in it.

(2) A co-operative society shall not invest or deposit its reserve fund except in one or more of the modes mentioned in clauses (a) to (d) of Section 63 of the Act;

Provided that the Registrar may, by general or special order, permit any co-operative society or any class of co-operative societies to invest the reserve fund or a portion thereof to in its own business;

Provided further that in the case of a society constituted with the object of Co-operative Housing on a co-partnership basis, the Reserve fund may be utilised for expenditure on the maintenance, repairs and renewal of the buildings of the society and in the case of a processing Society the Reserve Fund may be utilised in the acquisition purchase or construction of land building and machinery.

(3) No co-operative society whose reserve fund has been separately invested or deposited shall draw upon, pledge or otherwise employ such fund, except with the sanction of the Registrar previously obtained in writing.

(4) The Reserve Fund of a society shall be available, with the sanction of the Registrar, for being utilised for any of the following purposes, subject to the conditions that the amount drawn shall be reimbursed as directed by the Registrar unless the Registrar, dispenses with such reimbursement in special cases:—

- (i) to meet unforeseen losses incurred by the society,
- (ii) to meet such claims of creditors of the society as can not otherwise be met, and
- (iii) to provide for other financial needs in times of special scarcity.

**56. Disposal of reserve fund on winding up of a Co-operative society.**—(1) On the winding up of a co-operative society, the reserve fund together with other funds constituted by the society in accordance with its bye-laws, shall be applied by the

liquidator to the discharge of such liabilities of the society as may remain undischarged out of the assets of the society in the following order, namely:—

- (a) the debts of the society,
- (b) the paid-up share capital, and
- (c) the dividend upon paid up share capital at rates not exceeding six per cent for any period or periods for which dividend has not been paid; or such dividend upon paid up share capital as will bring the dividend to the maximum rate for any period for which the dividend at a rate lower than the maximum specified has been paid. No dividend shall, however, be paid on share capital if the bye-laws of the society do not provide for payment of dividend.

(2) Any surplus funds remaining after the payments mentioned in sub-rule (1) shall be utilised in the following manner and subject to the following conditions, namely;

- (a) in the case of a co-operative society, other than a financing bank—(i) the surplus funds shall be applied to such object of public utility as may be selected by the general body of the dissolved society at a meeting and approved by the Registrar (ii) if within thirty days after the issue of notice by the liquidator appointed to wind up the affairs of the society, the general body fails to make any selection that is approved by the Registrar, the Registrar may place the surplus funds at the disposal of the State Co-operative Union, to be utilised in the manner as may be directed by the Registrar.
- (b) In the case of a financing bank, the surplus funds shall be assigned by the Registrar to the reserve fund or funds of any other financing bank or banks to which the societies working in the area in which the financing bank which is being wound up carried on its operations, are affiliated. If there is no financing bank working in such area, the Registrar shall invest the amount in the State Co-operative Bank, until a new financing bank is formed in such area in which case the funds shall be credited to the reserve fund of such financing bank.

**57. Maintenance and administration of provident fund.** - A society which has established a provident fund for its employees under section 67 shall, with the previous approval of the Registrar, frame regulations for the maintenance and utilisation of

the provident fund for its employees. Among other matters, such regulations shall provide for the following:—

- (i) authority administering the provident fund;
- (ii) category of employees entitled to contribute to the provident fund;
- (iii) amount (not exceeding ten per cent of the employee's salary) of contribution to be deducted from the employee's salary;
- (iv) the rate of contribution (not exceeding the annual contribution made by the employee) to be made by the society;
- (v) the purpose for which and the extent to which advance may be made against the security of the provident fund and the period after which this could be done and number of monthly instalments in which it is to be recouped;
- (vi) refund of employees' contribution and contribution made by the society;
- (vii) mode of nomination for payment of the amount of the provident fund in case of employees' death;
- (viii) mode of investment of the provident fund and payment of interest thereon;
- (ix) Maintenance of accounts in respect of provident fund, drawals and such other matters as may be necessary in such form as may be specified by the Registrar.

58. *Conditions to be complied with by members applying for loans.*—(1) Every member of a society applying for a loan from the society shall be required to hold shares in such manner and in such proportion to the amount of loan applied for by him as may be specified in the bye-laws of the society.

(2) Subject to the maximum limit specified in the bye-laws, a loan to be granted to a member of a resource society and the period of its repayment shall be in accordance with the standard laid down by the Registrar.

(3) A loan in excess of the maximum amount may be granted to a member with the previous sanction of the Central Bank to which the society is affiliated:

Provided that, where the amount of loan exceeds twice the maximum limit contained in the bye-laws, prior sanction of the Registrar shall also be obtained.

59. *Conditions for borrowing by societies with limited liability.*—(1) No society other than those referred to in rule 60 and 61 with limited liability shall, without the previous sanction of the Registrar, incur liability exceeding in total ten times the total

amount of its paid up share capital, accumulated reserve fund and building fund minus accumulated losses:

Provided that central banks and urban banks, shall not except with the previous sanction of the Registrar, incur liabilities exceeding twelve times the total of their paid up share capital, accumulated reserved fund and building fund minus accumulated losses.

*Explanation.*—In calculating the total amount of liability for the purposes of this sub-rule, in the case of any society or class of societies the bye-laws of which permit borrowing or granting credit facilities on the pledge of agricultural produce or other goods, specified in that behalf by the Registrar, by general or special order, or against mortgage of movable property a sum equal to the amount borrowed by such society or class of societies, on the security of agricultural produce or other goods of such society or its members, shall be excluded from the amount of the actual liability under this rule.

(2) Any society may incur liabilities in excess of the limit specified in sub-rule (1) by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or borrowed as loans in excess of the said limit shall not be utilised in the business of the society but shall be invested in Government Securities which in the case of Central Bank shall be deposited with the Rajasthan State Co-operative Bank and in case of other Co-operative Banks, with the Central Banks. No society shall borrow against such securities.

60. *Conditions for borrowing of Rajasthan State Co-operative Bank.*—Except with the previous sanction of the Registrar the Rajasthan State Co-operative Bank limited, shall not incur liabilities exceeding in total fifteen times the total amount of its paid up share capital, and all reserves minus accumulated losses, actual bad debts; if any, and overdue interest.

Provided that, the Bank may incur liabilities in excess of the aforesaid limit by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or borrowed as loans in excess of the said limit shall not be utilised in the business of the Bank but shall be invested in Government securities which shall be deposited with the Reserve Bank of India. The bank shall not borrow against such securities.

*Explanation.*—In calculating the total amount of liability for the purposes of this rule, a sum equal to the amount borrowed by the bank on the security of agricultural produce or other goods of the members of the Bank shall be excluded from the amount of the actual liability under this rule.

61. *Conditions for borrowing of Land Development Banks.* Land Development Banks may incur liabilities not exceeding in total twenty times the total amount of their paid up share capital, accumulated reserve and building funds minus accumulated losses.

62. *Loans and deposits from non-members in unlimited liability societies.*—Every society with unlimited liability shall, from time to time, fix in a general meeting the maximum liability which it may incur in loans and in deposits from non-members. The maximum so fixed shall be subject to the sanction of the Registrar, who may at any time reduce it, for reason to be communicated by him to the society in writing, and may specify a period not being less than four months, within which the society shall comply with his orders. No such society shall receive any loan or deposit from a non-member, which will make its liability to non-members exceed the limit sanctioned by the Registrar.

63. *Restriction on transactions with non-members.*—On the application of a member of any society or of his own motion, when it appears to the Registrar that it is necessary in the interest of the working of any particular society, to regulate or restrict transactions of such society with any non-member, the Registrar shall, after giving an opportunity to the society of being heard, issue such directions as he may consider necessary regulating or restricting such transaction.

64. *Restrictions on grant of loans by a co-operative society against its own shares.*—No society shall grant loans or make advances against the security of its own shares.

65. *Manner of recalling of loan.*—(1) Notwithstanding anything contained in the agreement entered into with the borrowing member, the committee of a society shall be entitled, after giving a week's notice to such member, to recall the entire loan amount immediately, when it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan.

(2) Nothing in this rule shall be deemed to preclude the Registrar from directing the society to recall a loan of his own motion, when it is brought to his notice that the loan given by the society has been misapplied or conditions thereof, have not followed. The Registrar may make in the matter such inquiries as he may deem necessary and after giving a show cause notice to the society issue with the prior approval of the financing bank, necessary directions to the society. The directions issued by the Registrar in this respect shall be complied with by the society.

66. *Maintenance of fluid resources.*—Every society accepting posits and granting cash credits shall maintain fluid resources in such form and according to such standards as may be fixed by the Registrar, from time to time, by general or special order.

67. *Appropriation of Profits.*—(1) A society earning profits, shall calculate the net profits by deducting from the gross profits for the year, all interests accrued and accruing in accounts which are over due establishment charges, interest payable on loans and deposits, audit fees, working expenses including repairs, rent, taxes and depreciations and after providing for or writing off bad debts and losses not adjusted against any fund created out of profits. A society may, however, add to the net profits for the year, interest accrued in the preceding years, but actually recovered during the year. The net profits thus arrived at, together with the amount of profits brought forward from the previous year shall be available for appropriation.

*Explanation.*—Establishment charges shall also include the remuneration allowances or honoraria paid or to be paid to a member of the society for the services rendered by him to the society.

(2) In addition to the sums referred in sub-rule (1) the following sums shall be deducted by a society from its profits before arriving at its profit for the purposes of distributable profits:

- (i) Contribution, if any, to be made to any sinking fund or guarantee fund constituted under the provisions of the Act, these rules or bye-laws of the society for ensuring due fulfilment of guarantee given by Government in respect of loans raised by the society.
- (ii) provision considered necessary for depreciation in the value of any security, bonds or shares held by the society as part of its investments.
- (iii) Any provision required to be made for the redemption and share capital contributed by Government or by a financial bank.

68. *Distribution of net profits.*—The net profits of any society as declared by the Registrar in respect of any co-operative year shall be appropriated in the manner set forth in section 62 subject to the following conditions, namely:—

- (1) In a society with shares and limited liability, not less than one-fourth of the net profits shall be carried to the reserve fund. In a society with shares and unlimited liability, not less than one-third of the net profits shall be carried to the reserve

fund until the total of reserve fund and other reserves of the society equals the paid-up share capital of the members held by its and thereafter not less than one-fourth of the net profits shall be so carried:

Provided that in the case of a Farming Society not less than one tenth of the net profits shall be carried to the reserve fund:

Provided further that, the Registrar may, having regard to the financial position of any society or class of societies, fix the contribution to be made to the reserve fund under this sub-rule at a lower rate, but not lower than one-tenth of the net profits of the society or societies concerned.

(2) Every agricultural credit society other than a Land Development Bank or a society the object of which is to grant long-term loans exclusively on the mortgage of immovable properties and every financing bank other than a financing bank the principal object of which is to provide funds for the grant of longterm loans on the mortgage of immovable properties, shall set apart such percentage of its net profits as may be directed by the Registrar from time to time towards an agricultural credits tabilisation fund to be utilised to enable borrowers to make postponement of repayment of loans on account of famine, brought or such other unforeseen causes. This fund shall not be utilised except with the previous permission of the Registrar.

(3) The payment of dividend on shares to members by a society shall not exceed 10 percent per annum on the paid-up value of each share:

Provided that the Government may, by general or special order permit any society or class of societies to pay dividend at a rate exceeding 10 percent.

(4) A society may pay, in accordance with its bye-laws bonus to its members, based on the extent of business done by those members with it or on the value of the services rendered by such members to the society, subject to a maximum of 25 percent of the net profits;  
Provided that:—

(i) a co-operative society shall not utilise any portion of the bonus accruing on the business done by non-members for payment of bonus to members but shall carry the entire amount so accrued to the reserve fund or business losses reserve.

(5) A society which employs paid establishment may pay bonus to such employees:



Provided that the amount so paid shall not exceed such amount as may be specified in its bye-laws, subject to a maximum of two months basic pay.

(6) Subject to the availability of funds, such sum as may be decided upon by the general body calculated at 10 percent of the net profits may be carried to a common good fund for being utilised on any of the object specified in section 2 of the Charitable Endowment Act 1890 (Central Act VI of 1890) Such as medical relief, sanitation, co-operative propaganda, maintenance of library, education and relief to poor.

69. *Bonus and Dividend Equalization Fund.* (1) A society may carete out of its net profits a fund to be called the Bonus Equalisation Fund and a fund to be called the Dividend Equalisation Fund.

(2) Except otherwise specifically authorised by the Registrar, the funds so created shall be utilised in accordance with the provisions of the bye-laws of the society only for payment of bonus or dividend, as the case may be.

(3) A society may credit in any year a sum not exceeding 2 percent of the paid up share capital to the Dividend Equalization Fund until the total amount in such Fund amounts to 9 percent of the paid up share capital.

## CHAPTER VII

### Audit Inquiry, Inspection, Surcharge

70. *Audit fees.*—(1) Every co-operative society shall pay to the State Government a fee for the audit of its accounts for each co-operative year in accordance with the scale fixed by the Registrar, with the previous approval of the State Government, in respect of the class of societies to which it belongs.

(2) All fees payable under this rule shall be recoverable in the manner specified in section 21 of the Act.

(3) The Registrar may subject to such conditions as may be laid down by the State Government, remit the whole or any part of the fees payable under sub-rule (1) by a particular Society or by a particular class of societies for any year or other specified period by a general or specific order in this behalf.

71. *Procedure for appointment of auditors and for conducting audit.*—(1) The audit of accounts of societies shall be conducted by Departmental auditors or by certified auditors appointed by the Registrar from time to time on such terms and conditions as he deems fit.

Provided that, any society or class of societies notified by the Registrar may get their accouts audited by an auditor selected

and published of certified auditors maintained by the Registrar from the panel by him in Official Gazette.

*Explanation 1*—For purposes of this chapter, audit shall include annual or periodical audit, continuous or concurrent audit and test or super-audit and re-audit.

*Explanation 2*—For purposes of this rule “a certified auditor” includes—

- (a) A Chartered Accountant within the meaning of the chartered Accounts Act, 1949;
- (b) a person who holds a Government Diploma in Co-operative accounts or a Government diploma in co-operation and accountancy, or
- (c) a person who has served as an auditor in the co-operative department of the Government, and whose name has been included by the Registrar in the pannel of certified auditors maintained and published by him in the Official Gazette at least once every three years.

(2) The audit under section 68 shall in all cases extend back to the last date of the previous audit and shall be carried out upto the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies, such other date as may be specified by the Registrar.

(3) The auditor shall submit an audit memorandum to the society and to the Registrar in the Form specified by the Registrar, on the accounts examined by him and on the balance sheet and profit and loss account as on the date and for the period up to which the accounts have been audited and shall state whether in his opinion and to the best of his information and according of the explanation given to him, the said accounts given all the information required by the Act in the manner so required and give true and fair view—

(i) in the case of the balance sheet, of the State of Society's affairs as at the end of the financial year or any other subsequent date upto which the accounts are made up and examined by him, and

(ii) in the case of the profit and loss account, of the profit or loss for the co-operative year, or the period covered by the audit, as the case may be.

(4) The audit memorandum shall state,—

(i) whether the auditor had obtained all the information and explanations, which to the best of his knowledge and belief, were necessary for the purpose of his audit.

- (ii) whether in his opinion proper books of accounts, as required by the Act, these rules and the bye-laws of the society have been kept by the society so far as it appears from the examination of these books; and
- (iii) whether the balance sheet and profit and loss account examined by him are in agreement with the books of accounts and returns of the society..

(5) where any of the matters referred to in sub-rule (4) are answered in the negative or with a qualification, the audit memorandum shall specify the reasons for the answer.

(6) The audit memorandum shall also contain schedules with full particulars of:—

- (i) all transactions which appear to be contrary to the provisions of the Act, the rules or the bye-laws of the society,
- (ii) all sums which ought to have been but have not been brought into account by the society;
- (iii) any material impropriety or irregularity in the expenditure or in the realisation of the money due to the society;
- (iv) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt; and
- (v) any other matters specified by the Registrar in this behalf.

(7) The summary of audit memorandum as prepared by auditor shall be read out in a general meeting. The audit memorandum together with its accomponiments shall be open to inspection by any member of the society. The Registrar may however direct that any portion of the audit memorandum which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit memorandum.

(8) The Registrar may from time to time specify the form or forms in which the statements of accounts and information shall be prepared for audit; by the society.

(9) On completion of his statutory audit, the auditor shall award an audit classification to the society whose accounts he has audited in accordance with the instructions issued by the Registrar from time to time. The Registrar may, if thinks necessary, amend the audit classification for reasons to be recorded in writing.

72. *Requisition of the Apex of Central society for inquiry.*—  
An apex or Central society duly authorised by a resolution of

its committee, may submit a requisition to the Registrar to hold an inquiry under section 70 in respect of any society affiliated to it, duly setting out the grounds on which the inquiry is sought. A copy of such requisition shall be supplied to the society in respect of which the requisition is made.

73. *Procedure and principles for the conduct of inquiry and inspection.*—An order authorising under section 70 or inspection under section 71 and 72 shall, among other things, contain the following.—

(a) the name of the person authorised to conduct the inquiry or inspection;

(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected.

(c) the specific point or points on which the inquiry, or inspection to be made, the period within which inquiry, or inspection is to be completed and report submitted to the Registrar;

(d) cost of inquiry;

(e) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorising inquiry under section 70 or inspection under section 71 shall be supplied to the apex or central society or societies to which the society in respect of which the order is issued is affiliated.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for completion of the inquiry or inspection as he may deem necessary, or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he deems fit.

(4) On receipt of the order referred to in sub-rule (1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officer, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transactions and working of the society as he deems necessary for the conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The

report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the cost of the inquiry or inspection together with reasons and recommend to the Registrar the manner in which the entire cost or a part thereof may be apportioned, amongst the parties specified in section 73. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the persons or person concerned.

(6) The costs of the inquiry or inspection apportioned by the Registrar under section 73 shall be recovered as arrears of Land Revenue. The Registrar may direct that such costs or any part thereof shall be paid in the first instance from the funds of the society or in case of inspection, from the amount deposited by the creditor under clause (b) of sub-section (1) of section 71 and then recovered and repaid to the society or the creditor, as the case may be.

*73. Procédure for assessing surcharge under section 74.*—(1) On receipt of a report referred to in section 74 or otherwise the Registrar or any other person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer or employee of the society has misapplied or retained, or become liable or accountable for, any money or property of the society, or has committed misfeasance or breach of trust in relation to the society or has made any payment contrary to the Act, these rules or bye-laws.

(2) On the completion of the further inquiries under sub-rule (1), where necessary, the Registrar or the person authorised by him shall issue a notice to the person concerned finishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling up on him or them to put in statements in his or their defence within fifteen days of the date of issue of the notice.

(3) On receipt of the statement referred to in sub-rule (2), the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.

(4) The person or persons concerned shall, after the charges are framed, be asked to put in his statement, defence and to indicate the documentary or oral evidence which he would like to produce. The Registrar or the person authorised

by him may permit production of other documentary or oral evidence, if considered necessary, subsequently.

(5) The Registrar or the person authorised by him shall thereafter record the evidence led by the society or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of both the parties.

(6) On the day fixed for hearing under sub-rule (5), the Registrar, or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or on any date fixed by him within sixty days from the date on which the hearing was completed. On the day fixed for hearing under sub-rule (5) the Registrar or the person authorised by him shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of this society.

(7) The Registrar or the person authorised by him, may also provide in his order for the payment of the cost of the proceeding under this rule or any part of such cost as he thinks just.

(8) The Registrar or the person authorised by him shall furnish a copy of his order, under sub-rule (6) to the party concerned within ten days of the date on which he makes his final order.

## CHAPTER VIII

### *Settlement of Dispute*

75. *Reference of dispute.*—(1) A reference of a dispute under section 75 of the Act shall be made in writing to Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him; before proceeding with the consideration of such reference.

(2) Where on receipt of a reference under sub-rule (1), the Registrar, decides under clause (e) of sub-section (1) of section 77 of the Act to refer it for by disposal arbitrator, the reference shall be made to one arbitrator appointed by the Registrar.

76. *Procedure for hearing and decision of disputes.*—Where any dispute is referred to any person or arbitrator under

clauses (b) and (c) of sub-section (1) of section 77 for decision and is not decided by him within three months or such further period as the Registrar may allow, the Registrar may withdraw the dispute from him and decide the dispute himself or refer it again to another person or arbitrator.

(2) The Registrar, the arbitrator or other person deciding the dispute shall record in Hindi the evidence of the parties to the dispute and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by the parties, a decision or award, as the case may be, shall be given in accordance with justice, equity and good conscience by such Registrar, arbitrator or other person. The decision or award given shall be reduced to writing. Such decision or award shall be pronounced either at once or on some future date of which due notice shall be given to the parties.

(3) When any party duly summoned to attend the proceeding fails to appear, the dispute may be decided ex-parte.

(4) Any award made or decision given or order passed by arbitrator or other person authorised under section 77, shall be sent by him with all the papers and proceedings of the dispute to the Registrar within 15 days from the date on which it is made, given or passed.

*77. Summons, Notices, and fixing of dates, place etc. in connection with the disputes.*—(1) The Registrar, the arbitrator, or any other person authorised in this behalf may, issue summons or notices at least fifteen days before the date fixed for hearing of the dispute requiring.—

- (i) the attendance of the parties to the dispute and of witness if any; and
- (ii) the production of all books and documents relating to the matter in dispute.

(2) Summons or notices issued by the Registrar or the arbitrator or the person authorised may be served through the Tehsildar or any employee of the Co-operative Department or a central society or through the Chairman or Secretary of the society or by registered post with acknowledgement due. Every person or society to whom summons or notices are sent for service shall be bound to serve them within a reasonable time.

(3) The officers serving a summons or notice shall, in all cases in which summons or notice have been served, endorse or annex or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served, and the name and address of the person (if any)

identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The officer issuing the summons or notice may examine the serving officer on oath or cause him to be so examined by the Tehsildar or other officer through whom it is served and may make such further inquiry in the matter as he thinks fit; and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

78. *Payment of expenses of decision of disputes.*—(1) Where the dispute has been referred to the Registrar or arbitrator or to any person under section 77, the Registrar may require the party or parties referring the dispute, to deposit in advance such sum as may, in his opinion, be necessary to meet the expenses including payment of fees to the Registrar or any person or the arbitrator.

(2) The Registrar or the arbitrator or any person, shall have power to order the fees and expenses for determining the disputes, to be paid by the society out of its funds or by such party or parties to the dispute as he may think fit, according to the scale laid down by the Registrar, after looking into account, the amount deposited under sub-rule (1).

(3) The Registrar, may by general or special order specify the scale of fees and expenses to be paid to him or the arbitrator or any person.

## CHAPTER IX

### *Winding up and dissolution of societies.*

79. *Procedure to be adopted by liquidator.*—Where a liquidator has been appointed under sub-section (1) of section 79, the following procedure shall be adopted, namely :—

(1) The appointment of the liquidator shall be notified by the Registrar in the official Gazette.

(2) As soon as, may be, after the order is issued under section 78 the liquidator shall take over the custody and control of all the property, effects and actionable claims and books, records, cash and other documents pertaining to the business of the society and continue to hold custody and control thereof.

(3) The liquidator shall publish by such means as he may think proper a notice requiring all claims against the society to be submitted to him within two months of the publication of such notice. All liabilities recorded in the account books of such society shall be deemed *ipso-fact* to have been duly submitted to him under this clause.



(4) the liquidator shall after setting the assets and liabilities of the society as they stood on the date on which the order under section 78 for its winding up was made, proceed next to determine the contribution to be made by each of its members, past members, or by the estates of nominees, heirs or legal representatives of deceased members or by any officers or former officers, to the assets of the society under clauses (b) and (e) of sub-section (2) of section 80. If, however, necessity arises, he may also frame a subsidiary order or orders regarding such contributions and such orders and the original orders shall be enforceable under section 118.

(5) The liquidator shall submit a quarterly report and other returns and statements to the Registrar in such forms as Registrar may require showing the progress made in the liquidation of the society.

(6) The liquidator may empower any person by general or special order in writing to make collections and to grant valid receipts on his behalf.

(7) All funds in the charge of the liquidator shall be deposited in the Government treasury or in the post office savings bank or in a financing bank or with such other bank or person as may be approved by the Registrar and shall stand in the name of the liquidator.

(8) The remuneration of the liquidator fixed under sub-section (1) of section 79 shall be included in the cost of winding up which shall be payable out of the assets of the society in priority to all other claims.

(9) The liquidator shall have power to may call for meetings of members of the society from time to time.

(10) The liquidator shall keep such books and accounts as may from time be required by the Registrar, who may at any time cause such books and account to be audited.

(11) The liquidator may submit an application to the Registrar, for revival of the society if in his own opinion such revival has a reasonable chance of success. The Registrar may pass orders as he may deem proper under sub-section (3) of section 78.

(12) At the conclusion of the winding up a general meeting of the society shall be called at which the liquidator or any person authorised by him by general or special order in writing in this behalf shall summarise the result of his proceedings, and shall take a vote as to the disposal of any surplus funds in the manner prescribed in sub-rule (2) of rule 50.

(12) If any liability cannot be discharged by the liquidator owing to the whereabouts of the claimants not being known or for any other cause, the amount covered by such undischarged liability may be deposited in a financing bank and shall be available for meeting the claims of the person or persons concerned. On the expiry of three years from the date of deposits of such amount, the Registrar may, on his own motion or on the application of the financing bank, pass an order directing that the said amount shall be utilised as provided in sub-rule (2) of rule 65—

Provided that no such order shall be passed by the Registrar unless he has published a notice of his intention to pass such order by beat of drum in the village or villages comprised within the area of operations of the society or by publication in the official Gazette or by any other means which he may consider suitable and a period of thirty days has expired from the date of such publication.

(14) A liquidator may, at any time, be removed by the Registrar and he shall on such removal be bound to hand over all the property and documents relating to the society ordered to be woundup to such person as the Registrar may direct.

(15) As soon as may be after the affairs of the society for which a liquidator has been appointed under section 79 have been woundup and an order cancelling the registration is made under section 83, the liquidator shall forward all the books and records of the wound-up society and all his own papers and proceedings, by railway parcel to the Registrar together with an account of his expences, showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over.

(16) All the books and records of a society whose registration has been cancelled and the proceedings of liquidation may be destroyed by the Registrar after the expiry of two years from the date of the order cancelling the registration of the society.

80. *Interest on amounts due from a society under liquidation.*—The creditor of a society, which as being wound-up, may apply to the liquidator, for payment of interest on any debt due from the society up to the date of the Registrar's order for winding-up. The rate at which interest shall be paid shall be in the case of the Rajasthan State Co-operative Bank or a Financing Bank permitted by the Registrar to finance societies, the contract rate and in any other case the rate which may be fixed by the Registrar which shall not exceed the contract rate:

Provided that, if any surplus assets remain after all the liabilities, including liabilities on shares, have been paid off, further interest on such debts at a rate to be fixed by the Registrar but not exceeding the contract rate may be allowed to the creditors from the date mentioned above up to the date of the repayment of the principal.

## CHAPTER X

### *Land Development Banks.*

81. *Procedure for submission and consideration of applications loans from Land Development Banks*—(1) All applications for loans from a Land Development Bank shall be made in the form prescribed by the State Land Development Bank with the approval of the Registrar. The form shall among other things contain a list of documents which are required to be submitted for purposes of dealing with the application.

(2) Every Land Development Bank shall keep sufficient stock of printed copies of the forms of loan applications and shall supply them to the intending borrower on payment of such fee as may be specified, from time to time, by the state Land Development Bank.

(3) Every Land Development Bank shall specify from time to time the name, designation address of the officer (hereinafter in this chapter referred to as "the Receiving Officer"). who shall receive all loan applications from the intending borrowers.

(4) The application together with copies of necessary documents and the amount of all fees specified by the State Land Development Bank with the approval of the Registrar and deposit equivalent to the value of one share of the Bank shall be submitted by the applicant to the Receiving Officer.

(5) On receipt of an application for loan, the Receiving Officer shall put his initials on the application and mention his designation and the date of receipt of the application.

(6) After an application for loan has been received, the Receiving Officer shall verify whether it contains all the necessary particulars and is accompanied by the necessary documents. If any details are lacking, he shall get the application completed by the applicant.

(7) Each application shall be entered in the chronological order in the register of applications for loans from the Land Development Bank to be maintained by the Receiving Officer and shall be dealt with in the same order.

(8) Immediately after the application is entered in the register of applications for loans from the Land Development Bank, the Receiving Officer shall forward it to the Assistant Registrar, Additional Assistant Registrar of Co-operative Societies within whose jurisdiction the land in respect of which the application is made is situate (being the person prescribed for the purposes for sub-section (1) of section 91 of the Act, hereinafter in this Chapter referred to as 'the Public Enquiry Officer.' The public Enquiry Officer shall give at least eight days' public notice in Form 'J' calling upon all persons interested to present their objections to the loan, if any, The notice shall also be given by beat of drum and shall be affixed at the Chopal of the villages where the applicant resides and in the limits of which the land or lands proposed to be improved or offered as security for the loan is or are situated. A copy of the notice shall be exhibited in the head office and relevant branch office, if any, of the Land Development Bank concerned and in the Office, if any, of the person giving the notice.

If any person, interested fails to appear as stated as required by the aforesaid notice, the questions at issue will be decided in their absence and such persons will have no claim whatsoever against the property for which the loan applied for will be sanctioned till such time as the loan together with interest thereon or any other dues arising out of the loan are paid in full by the loanee.

(9) The Public Enquiry Officer shall consider every objection submitted under sub-section (1) of section 91 in the manner laid down in that section.

(10) The public Enquiry Officer shall then forward the applications within two days of their disposal to the Land Development Bank concerned. The Land Development Bank may appoint an enquiry officer (hereinafter in this Chapter referred to as "the Enquiry Officer") to enquire into the applications. The Enquiry Officer shall make inquiry by actually visiting the land in which the improvement is proposed to be effected and the lands and other property offered as security. He shall conduct his enquiry in accordance with the form to be prescribed by the State Land Development Bank, with the approval of the Registrar.

In case the Public Enquiry Office is unable to forward the application within two days, he shall make a report to the Registrar, stating thereunder the reasons therefor and he shall, thereafter act in accordance with such direction as may be issued to him by the Registrar.

(11) The Enquiry Officer may make such other enquires as may be necessary and shall value the lands according to such formula as may be laid down by the State Land Development Bank, with the approval of the Registrar, from time to time, estimate the repaying capacity of the applicant, and examine the feasibility and the utility of the proposed improvement. He shall then submit his report stating what amount of loan may be granted to the applicant against what security and for what purpose and the period within which it may be recovered from him. The Enquiry Officer shall complete his enquiry within fifteen days of the date of the receipt of the application by him.

If the Enquiry Officer is unable to complete his enquiry within fifteen days, he shall make a report to the Registrar stating therein the reasons there for and he shall thereafter act in accordance with such directions as may be issued to him by the Registrar.

(12) After completion of the enquiry, the application together with his report shall be submitted by the Enquiry Officer to the Land Development Bank together with the following certificates—

(a) Certificate regarding outstanding Government dues

(b) Any other relevant certificate.

(13) On receipt of the report of the Enquiry Officer under sub-rule (12), the Land Development Bank shall satisfy itself that inquiry has been properly conducted. If there are any deficiencies, the Bank shall get them completed immediately.

(14) The Land Development Bank may then undertake such further scrutiny as may be necessary and either pass final orders to the extent as may be empowered by the State Land Development Bank or recommend to the State Land Development Bank within 30 days Decision shall be communicated to the applicant within 7 days thereafter. The State Land Development Bank may also undertake such further scrutiny as may be necessary and pass final orders within 30 days of the receipt of the application. In case the final orders are not passed within 30 days the Land Development Bank or the State Land Development Bank as the case may be, make a report to the Registrar stating there in the reasons therefor and shall thereafter act in accordance with such directions as may be issued to it by the Registrar.

(15) All the applications received by the Land Development Bank shall be disposed of by the Bank within a maximum period of four months. If the Bank is unable to dispose of an application for loan within the period of four months, it shall

make a report to the Registrar stating thereafter act in accordance with such directions as may be issued to it by the Registrar.

(16) In the case of rejection of applications for loans, the reasons therefor shall be communicated by the Bank to the applicant. When the loan has been sanctioned, the Bank shall lay down the terms and conditions has been sanctioned, the Bank shall lay down the terms and conditions regarding grant of the loan, regarding payment of instalments submission of report on the progress of improvement of land and release of subsequent instalments. The applicant shall be asked by the Land Development Bank to remain present at the head office or branch office of the bank on such date to be fixed, first for execution of the mortgage deed and the next date for receiving loan or the first instalment thereof. The later date shall not ordinarily be later than 15 days from the date of communication of sanction of loan to applicant.

(17) The applicant, while receiving the amount of the loan or the first instalment of the loan, shall purchase shares of the bank to such extent as may be required under the bye-laws of the Bank. The Land Development Bank shall issue a receipt to the applicant giving full particulars of the amount paid by him from time to time.

(18) Failure to comply with any time-limits specified in this rule shall not in any manner affect the validity of the sanction of the loan by Land Development Bank or by the State Land Development Bank.

**82. Registration of copies of instruments under section 95.**—Copies of instruments referred to in section 95, duly certified by the Manager/ Secretary of the Land Development Bank, shall be sent by the Land Development Bank to the Registering Officer concerned within a period of three months from the date of execution of the instruments, by registered post or by hand delivery.

**83. Authority to Land Development Bank to exercise power under section 106**—(1) The authorisation for the purposes of clause (a) of the proviso to sub-section (1) of section 106 shall be granted to the Land Development Bank by the Registrar after hearing the objections, if any, of the mortgagor or mortgagors concerned.

**84. Appointment of Receiver and his powers under section 106**—(1) The State Land Development Bank may, on the application of a Land Development Bank and under circumstances in which the power of sale conferred by section 106 can be exercised appoint any person in writing to be a Receiver of the produce and income of the mortgaged property or any part thereof

and such Receiver shall be entitled either to take possession of the property or collect its produce and income, as the case may be, to retain out of any money realised by him, his expenses of management including his remuneration, if any, as fixed by the State Land Development Bank and to apply the balance in accordance with the provisions of sub-section (8) of section 69-A of the Transfer of property Act, 1882.

(2) A receiver appointed under sub-rule (1) may, for sufficient cause and on application made by the mortgagor, be removed by the State Land Development Bank.

(3) A vacancy in the office of the Receiver may be filled up by the State Land Development Bank.

(4) Nothing in this rule shall empower the State Land Development Bank to appoint a Receiver where the mortgaged property is already in the possession of a Receiver appointed by civil court.

85. *Appointment, qualifications and powers and functions of a Sale officer under sections 106*—A Land Development Bank may, from time to time, by resolution of its committee, appoint any of its officers or any other person as Sale Officer, with the approval of the Registrar, for the purpose of effecting sale of mortgaged property under section 106. Such Sale Officer shall exercise the same powers and functions as are conferred upon a Recovery Officer and Sale Officer under these rules.

86. *Procedure for distraint and sale of the produce of the mortgaged land and sale of mortgaged property*.—The procedure laid down in rule 92 shall *mutatis mutandis* apply for the distraint and sale of the produce of the mortgaged land and the sale of mortgaged property under section 105 and 106 :

Provident that, in the case of sale of mortgaged property, the notice of demand for the payment of the mortgaged money or part thereof, as the case may be, as also the notice for the sale of the mortgaged property in the event of the payment not being made within the time allowed, shall be served upon the mortgager or each of the mortgagers and also upon the following person namely:—

(i) any person who has any interest in, or charge upon, the property mortgaged, or in or upon the right to redeem the same, so far as is known to the Bank,

(ii) any surety for the payment of the mortgaged debt or any part thereof, and

(iii) any creditor of the mortgager who in a suit for administration of his estate obtained decree for sale or mortgaged property.

The time allowed for payment of the mortgage money or part thereof in the demand notice referred to above, shall be not less than three months after the service of the notice.

87. *Circumstances under which the State Land Development Bank or the Trustee may take action under section 106* (2)—

(1) If a land Development Bank fails to take action against a defaulter under section 102 or 105 or sub-section (1) of section 106, the State Land Development Bank may call upon the former to take necessary action within a period of seven days and report compliance. If no report of compliance is received, the State Land Development Bank may itself take necessary action as indicated in the aforesaid section and sub-section.

(2) Where necessary action is not taken against the defaulter by the Land Development Bank or by the State Land Development Bank, the Trustee may call upon them to take necessary action within seven days and report compliance. If no such report of compliance is received, the Trustee may himself take the necessary action.

88. *Submission of report for confirmation of sale under section 107.*—(1) When the sale of the mortgaged property has been effected by a Land Development Bank under section 106 and the purchase amount has been received from the purchaser, the Bank shall submit a report of the sale immediately to the State Land Development Bank and the Registrar as required by sub-section (1) of section 107.

(2) When the sale of the mortgaged property has been effected by the State Land Development Bank or the Trustee under section 106 and purchase amount has been received from the purchaser, the State Land Development Bank or the Trustee, as the case may be, shall submit a report of sale immediately to the Registrar as required under sub-section (2) of section 107.

(3) The report referred to in sub-rules (1) and (2) shall contain, amongst other details, the following specific particulars—

- (a) brief account of the circumstances which rendered the sale necessary;
- (b) full details showing how the provisions of clauses (a), (b) (i) to (iv) and (c) of the proviso to sub-section (1) of section 106 have been complied with;
- (c) full details showing how the procedure laid down in Rule 92 for holding the sale of immovable property has been followed:—



- (d) name of the Sale Officer ;
- (e) place of sale;
- (f) date of sale;
- (g) description of property sold;
- (h) name of purchaser and his address;
- (i) value realised;
- (j) cost of sale, and
- (k) date of receipt of purchase money from the purchaser.

(4) The State Land Development Bank or the Registrar may call for any clarification deemed necessary from the Land Development Bank and satisfy itself or himself that the sale has properly been conducted and the Land Development Bank shall furnish the same forthwith. Similarly, the Registrar may call for any clarification from the State Land Development Bank or the Trustee for the same purpose and such clarification shall be furnished forthwith by the State Land Development Bank or the Trustee as the case may be.

89. *Certificate of purchase*—The certificate to be granted by a Land Development Bank under sub-section (1) of section 109 shall be in Form “K”

90. *Sale of immovable property purchased by a Land Development Bank*.—(1) The Land Development Bank or the State Land Development Bank, which has purchased any immovable property sold under Chapter XI of the Act shall, unless otherwise directed by the Trustee, use its best endeavour to sale the property as early as possible to the best advantage of the Bank. The sale shall be effected by public auction within a period of six months from the date of purchase or within such further period as may be permitted by the Trustee.

(2) The date and the place of such public auction shall previously be notified not less than thirty days by—

- (a) advertising the sale of property with full details in one or more local newspapers.
- (b) proclamation of sale by beat of drum in the village where the property is situated,
- (c) publication of sale notice at—
  - (i) the village Chopal, Panchayat and a conspicuous place of the village,
  - (ii) the office of the Tehsildar concerned,
  - (iii) the office of the Land Development Bank, and
  - (iv) the principal office of the Assistant Registrar in the District.

The sale shall be subject to confirmation by the Registrar

91. *Certain provisions of Rule 92 to apply to sale of immovable property under Chapter XI of the Act*—(1) The provisions of clauses (e), (f), (g), (h), (i), (j), and (k) of sub-rule (11) and of sub-rule (12), (13) and (14) of Rule 92 shall *mutatis mutandis* apply to the sale of immovable property under Chapter XI of the Act.

(2) The expenses incidental to such sale or attempted sale shall be calculated in accordance with the scale laid down in that behalf by the Registrar, from time to time.

## CHAPTER XI

### *Execution of awards, decrees, orders and decisions*

92. *Procedure in execution of awards etc*—(1) Any decree-holder or any person specially authorised by the Registrar in this behalf hereinafter referred to as applicant requiring the provisions of clause (c) of section 118 to be applied shall apply to the Recovery Officer within whose jurisdiction the defaulter resides or the property of the defaulter is situated.

(2) Every such application shall be made in the form specified by the Registrar and shall be signed by the applicant and shall be accompanied by deposit, if required, at such scales as may be specified by general or special order by the Registrar. The applicant may indicate whether he wishes to proceed against the immovable property mortgaged to the decree holder or other immovable property or to the secure the attachment of movable property.

(3) On receipt of such application, or when the Registrar is proceeding under Rule 96 the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name, of the defaulter and the amount due and forward it to the sale Officer.

(4) Unless the applicant has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (2), execution shall ordinarily be taken in the following manner—

- (i) movable property of the defaulter shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity
- (ii) if there is no movable property, or if the sale proceeds of the movable property, or properties attached

and sold are insufficient to meet in full the demand of the applicant, the immovable property mortgaged to the applicant, or other immovable property belonging to the defaulter may be proceeded against.

(5) In the seizure and sale of movable property, the following shall be observed:—

(a) The Sale Officer shall, after giving previous notice to the applicant, proceed to the village, town or city as the case may be where the defaulter resides or the property to be distrained situated and serve a demand notice upon the defaulter if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property distrained and an intimation of place and day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If defaulter is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(b) After the distress is made, the Sale Officer may arrange for the custody of the property attached with the applicant or otherwise. If the Sale Officer requires the applicant to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the applicant. If the attached property is live-stock, the applicant shall be responsible for providing the necessary food therefore. The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village, city or town as the case may be or place where it was attached, in the charge of such defaulter or such person, if he enters into a bond in the form specified by the Registrar with one or more sufficient securities for the production of the property when called for.

(c) The distress shall be made after sun-rise and before-sunset and not at any other time.

(d) The distress levied shall not be excessive, that is to say, the property distrained shall as nearly as possible be proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(e) If crops or ungathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in the due season and stored in proper place until sold. In the latter case, the expense of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the events of its being sold.

(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or effect distrained, and he shall provide the necessary food for the cattle or live-stock, the expense attending which shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(g) It shall be lawful for the Sale Officer to force open any stable, cow house, granary, godown, out-house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the Sale Officer to break open or enter apartment in such dwelling house appropriated for the zenana or residence of women except as hereinafter provided.

(h) Where the Sale Officer may have reason to believe that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall report the fact to the Officer-in-charge of nearest police station. On such report the officer-in-charge of the said station shall send a police Officer to the spot in presence of whom the Sale Officer may force open the outer door of such dwelling house or break open the door of any room within the house except room appropriated by women. The Sale Officer may also, in the presence of a police officer, after due notice given for the removal of women within a zenana and, after furnishing means for their removal in a suitable manner if they be women of rank, who, according to the customs or usage, cannot appear in public, enter the zenana apartments for the purpose of distraining the defaulter's property, if any, deposited therein, but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former-occupants.

(i) The Sale Officer shall on the day previous to, and on the day of, sale cause proclamation of time and place of the

intended sale to be made by beat of drum in the village, city or town as the case may be, in which the defaulter resides and in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of 15 days from the date on which the sale notice has been served or affixed in the manner laid down in clause (a) :

Provided that, where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody is likely to exceed its value, the Sale Officer may sell it, at any time, before the expiry of the said period of 15 days unless the amount due is sooner paid.

(j) At the appointed time, the property shall be put in one or more lots, as the Sale Officer may consider advisable, and shall be disposed of to the highest bidder :

Provided that, it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons. Where the property is sold for more than the amount due, the excess amount, after deducting the interest and the expenses of process and the other charges, shall be paid to the defaulter:

Provided further, that the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where a sale is so adjourned for longer period than 7 days, a fresh proclamation under clause (i) shall be made unless the defaulter consents to waive it.

(k) The property sold shall be paid for in cash at the time of sale, or as soon thereafter as the Sale Officer holding the sale shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the purchaser fails in the payment of purchase money, the property shall be re-sold.

(l) Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the Sale Officer.

(m) Where prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the Sales Officer shall cancel the order of attachment and release the property forthwith.

(n) The movable properties exempted from attachment by the proviso to Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908) shall not be liable to attachment or sale under these rules.

(6) Where the movable property to be attached is the salary or allowance or wages of a Public Officer or a Railway servant or a servant of a local authority or a firm or a company, co-operative society, the Recovery Officer may, on receiving a report from the Sale Officer, order that the amount shall, subject to the provisions of Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908), be withheld from such salary or allowance or wages either in one payment or by monthly instalments as the Recovery Officer may direct and upon receipt of the orders, the officer or other person whose duty it is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under order or the monthly instalments, as the case may be.

(7) (i) Where the property to be attached consists of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the share or interest or charging it in any way.

(ii) Where the property to be attached is a negotiable instrument not deposited in a court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the recovery officer ordering the attachment and be held subject to his further orders.

(iii) Where the property to be attached is in the custody of any court or public Officer, the attachment may be made by a notice to such court or Officer, requesting the such property and any interest or dividend becoming payable thereon may be held subject to the further demands of Recovery Officer issuing the notice.

Provided that, where such property is in the custody of a court or Recovery Officer of another district, any question of title or priority arising between the applicant and any other person not being the defaulter, claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be left to be determined by such court or Recovery Officer.

(8) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by any

person to whom a dispute was transferred by the Registrar or by any person to whom a dispute was transferred by the Registrar under Section 77 of the Act or by an arbitrator or any person, then by the order of the Registrar.

(ii) Where the Registrar makes an order under clause (i), he shall, on the application of the applicant who has attached the decree, proceed to execute the attached decree and apply the not proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner for the holder thereof.

(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Recovery Officer to the holder of such decree, prohibiting him from transferring or charging the same in any way.

(v) The holder of a decree attached under this sub-rule shall give the Recovery Officer executing the decree such information and aid as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Recovery Officer making an order of attachment under this sub-rule shall give notice of such order to the judgment debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment debtor in contravention of such order after receipt of notice thereof, either through the Recovery Officer or otherwise, shall be recognised so long as the attachment remains in force.

(9) where the movable property to be attached is—

- (a) a debt due to the defaulter in question.
- (b) a share in the capital of a corporation or a deposit invested therein, or
- (c) other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any civil court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting—
- (i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof:—

- (ii) in the case of a share of deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon; and
- (iii) in the case of any other movable property, the person in possession of it from giving it over to the defaulter.

A copy of such order shall be sent, in the case of the debt, to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of any other movable property to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Recovery Officer shall arrange for its sale through a broker where the share is withdrawable, its value shall be paid to the Recovery Officer of the party referred to in clause (c). The person concerned shall place it in the hands of the Recovery Officer as it becomes deliverable to the debtor.

(10) Immovable property shall not be sold in execution of a decree unless such property has been previously attached; provided that where the decree has been obtained on the basis of a mortgage of such property it shall not be necessary to attach it.

(11) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed :—

- (a) The application presented under sub-rule (2) shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey the specification of such boundaries or number and the specification of the defaulters' share or interest in such property to the best of belief of the applicant and so far as he has been able to ascertain it.
- (b) The demand notice issued by the Recovery Officer under sub-rule (3) shall contain the name of the defaulter, the amount due, including the expenses if any, and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family



at his usual place of residence, or upon his authorised agent or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Provided that, where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceeding against him is about to dispose of the whole or any part of his property, the demand notice issued by the Recovery Officer under sub-rule (3) shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

- (c) If the defaulter fails to pay the amount specified in demand notice within the time allowed, the Sale Officer shall, proceed to attach and sell, or sell without attachment, as the case may be, the immovable property noted in the application for execution in the following manner.
- (d) Where attachment is required before sale, the Sale Officer shall if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulters last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some places on or adjacent to, such property and at such other place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy shall be sent to the applicant. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in the official Gazette.
- (e) Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer and the Tehsil office at least thirty days before the date fixed for the sale and also by beat of drum in the village, city or town, as the case may be (on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale). Such proclamation shall where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the applicant

and the defaulter. The proclamation shall state the time and place of sale specify as fairly and accurately as possible:—

- (i) to property to be sold.
- (ii) any encumbrance to which the property is liable.
- (iii) the amount for the recovery of which sale is ordered, and
- (iv) every other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.
- (f) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The applicant shall, when the amount for the realisation of which the sale is held exceeds Rs. 100, furnish to the Sale Officer within such time as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer, as the case may be.

The sale shall be by public auction to the highest bidder :

Provided that, it shall be open to Sale Officer to decline to accept the highest bid where the price offered appeared to be unduly low or for other adequate reasons.

Provided further that, the Recovery Officer or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reason for such adjournment. Where a sale is so adjourned for a longer period than 7 days, a fresh proclamation under clause (e) shall be made, unless the defaulter consents to waive it.

The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of the sale shall be fixed by the Recovery Officer and the place of sale shall be the village, city or town as the case may be, whether the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Recovery Officer :

Provided that, in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected

records, and affidavit from the village Patwari in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrances certificate cannot be granted owing to the destruction of the connected records, shall be accepted in place of an encumbrance certificate.

- (g) A sum of money equal to 15 per cent of the price of immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold :

Provided that, where the applicant is the purchaser and is entitled to set off the purchase money under clause (k) the Sale Officer shall dispense with the requirements of this clause.

- (h) The remainder of the purchase money and the amount for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale.

Provided that, the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale :

Provided further that, in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set off to which he may be entitled under clause (k).

- (i) In default of payment within the period mentioned in the last preceding clause, the deposit may, if the Recovery Officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.
- (j) Every resale of immovable property in default of payment of the amounts mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and the period therein before prescribed for the sale.
- (k) Where an applicant purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

(12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest, *batta* and other

expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

(13) (i) Where immovable property has been sold by the Sale Officer any person either owing such property or holding an interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer.

- (a) for payment to the purchaser a sum equal to 5 per cent of the purchase money, and
- (b) for payment to the applicant, the amount of arrears specified in the proclamation of sale as that for the recovery which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount, less amount which may since the date of such proclamation have been received by the applicant.

(ii) If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited, together with 5 per cent, deposited by the applicant :

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorised to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule (14) to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule.

(14) (i) At any time within thirty days from the date of the sale in immovable property, the applicant or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Recovery Officer to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that, no sale be set aside on the ground of irregularity or fraud unless the Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the Recovery Officer shall set aside the sale and may direct a fresh one.

(iii) On the expiration of thirty days from the date of sale if no application to have the sale set aside is made or if such

application has been made and rejected, the Recovery Officer shall make an order confirming the sale:

provided that, if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after according his reasons in writing, set aside the sale:

- (iv) Whenever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.
- (v) After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale bearing his sale and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase in all courts and tribunals, where it may be necessary to prove it and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.
- (vi) An order made under this sub-rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.

(15) Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person (not being the defaulter) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any court of competent jurisdiction on application, and production of the certificate of sale provided for by sub-rule (14) shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased had been decreed to the purchaser by a decision of the court.

(16) It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due:

provided that, so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.

(17) Persons employed in serving notice or in other process under these rules shall be entitled to *batta* at such rates as may, from time to time, be fixed by the Recovery Officer.

(18) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the applicant, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the applicant.

(19) Every person making a payment towards any money due for the recovery of which application has been made under this rule shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf; such receipt shall state the name of the person making the payment and the subject-matter in respect of which the payment is made.

(20) (a) Where any claim is preferred to, or any objection is made to the attachment of, any property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose of it on merits:

Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.

(b) Where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection.

(c) Where a claim or an objection is preferred to the party against whom an order is made may institute a suit to establish the right which he claims to be property in dispute, but, subject to the result of such suit, if any, the order shall be final.

(21) (i) Any deficiency of price which may arise on a re-sale held under clause (j) of sub-rule (11) by reason of the purchaser's default, and all expenses attending such re-sale shall be certified by the Sale Officer to the Recovery Officer and shall at the instance of either the applicant or the defaulter, be recoverable from the defaulting purchaser under the provision of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(ii) Where the property may on the second sale, sell for a higher price, than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.

(22) Where any property has been attached in execution of decree, but by reason of the applicant's defaulter the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any

sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease,

(23) (a) where the Sale Officer attaches or has attached under these rules, any property not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realise such property and shall determine claims thereto and any objections to the attachment thereof :

Provided that, Where the property is under attachment in the execution of decree of more courts than one, the court which shall receive or realise such property and shall determine any claim thereto and any objection to the attachment thereof shall be the court of the highest grade, or where there is no difference in grade between such courts, the court under whose decree the property was first attached.

(b) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decree against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deduction, shall be rateably distributed by the Sale Officer among all such applicants in the manner provided in section 73 of the Code of Civil Procedure, 1908.

(24) Where a defaulter dies before the decree has been fully satisfied an application under sub-rule (1) may be made against the legal representative of the deceased and thereupon all the provision of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representatives were the defaulter. Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed off; and for the purpose of ascertaining such liability, the Recovery Officer executing the decree may, of his own motion or on the application of the applicant, compel such legal representative to produce such accounts as he thinks fit.

(25) Where in connection with the proceedings on an application under section 118 of the Act, any person requires the issue of any process or objects to any order passed, he shall pay such fee as may be specified by the Registrar in this behalf.

93. *Mode of making attachment before judgement under section 120*—(1) Attachment of property under section 120 of the Act shall be made in the manner provided in Rule 92.

(2) Where a claim is preferred to property attached under sub-rule (1), such claim shall be investigated in the manner and by the authority specified in Rule 92.

(3) Where a direction is made for the attachment of any property under sub-rule (1), the Recovery Officer shall order the attachment to be withdrawn—

- (a) when the party concerned furnishes the security required together with the security for the costs of the attachment; or
- (b) when the liquidator determines under clause (b) of sub-section (2) of section 80 of the Act that no contribution is payable by the party concerned; or
- (c) when the Registrar passes an order under sub-section (1) of section 74 that the party concerned need not repay or restore any money or property or contribute any sum to the assets of the society by way of compensation; or
- (d) when the dispute referred to in sub-section (1) of section 77 has been decided against the party at whose instance the attachment was made;
- (e) when the order passed under section 128 or any of the provisions of the Act.

(4) Attachment made under sub-rule (1) shall not affect the rights existing prior to the attachment, of persons not parties to the proceedings in connection with which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of the property under attachment in execution of such decree.

(5) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary upon an application for execution of such decree to apply for re-attachment of the property.

94. *Procedure for the custody of property attached under section 120*—(1) Where the property to be attached is moveable property, other than agricultural produce, in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinate or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under section 120 to be just and convenient, he



may appoint a Receiver for the custody of the moveable property attached under that section and his duties and liabilities shall be indential with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

(3) (i) Where the property to be attached is immovable, the attachment shall be made on order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benifit from such transfer or charge.

(ii) the order shall be proclaimed at some place on, or adjacent to, such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village, and where the property is land paying revenue to the Government, also in the office of the Collector of the district and in the office of the Tehsildar or any other Revenue Officer within whose jurisdiction the property is situated.

95. *Issue of proclamation prohibiting private transfers of property.*—The Registrar or any person authorised by him in this behalf, when acting under section 118 shall, at the time of signing a certificate affecting any property, issue a proclamation in form "L" and in the case of immovable property shall also forward a copy of the proclamation to the Tehsildar within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

96. *Execution of awards in special cases.*—Subject to the provis on of section 118, the Registrar may, by an order in writing specially authorise any officer of the Co-operative Department or any officer of an Apex or Central Society, on an application made by it, to call for and send awards or orders obtained by any society for execution. The society or societies in respect of which these powers are to be exercised shall be specified in the order.

97. *Transfer of property which cannot be sold.*—(1) When in execution of an order sought to be executed under section 118 any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar or any person authorised by him in this behalf under clause (a) or (b) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar, as the case may be, and the society applying for the execution of the said order.

(2) On receipt of a report under sub-rule (1), the society may, within six months from the date of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to the Court, the Collector or the Registrar, as the case may be, stating whether or not it agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) On receipt of such a notice, the defaulter, or any person owing such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under section 118, may within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested, or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the Collector or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate in Form "M".

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(7) If the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the Collector or the Registrar, as the case may be, shall, on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner laid down in the section 118.

(8) The transfer of the property under sub-rule (5) shall be effected as follows: -

(i) In the case of movable property:--

(a) Where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Court or the Collector or the Registrar, it shall be delivered to the society.

- (b) Where the property is in the possession of some person on behalf of a defaulter, the delivery thereof shall be made by giving notice to the person in possession, directing him to give actual peaceful possession to the society, and prohibiting him from delivering possession of the property to any other person.
- (c) The property shall be delivered to a person authorised by the society to take possession on behalf of the society.
  - (ii) In the case of immovable property :-
    - (a) Where the property is growing or standing crop, it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting and gathering it.
    - (b) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under section 118, the court of the Collector or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property and if need be by removing any person who illegally refuses to vacate the same.
    - (c) Where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under section 118, the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.
- (9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live stock if any, according to such scale as may be fixed by the Registrar from time to time.
- (10) Where land is transferred to the society under sub-clause (a) of clause (ii) of sub-rule (8) before a growing or standing crop is cut and gathered, the society shall be liable to pay the current year's land revenue on the land.

(11) The society shall forthwith report any transfer of property under sub-clause (b) or (c) of clause (ii) of sub-rule (8) to the village patwari for information and entry in the Record of Rights.

(12) The society to which property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The society to which property is transferred under sub-rule (5) shall use its best endeavour to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rules (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(14) Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use its best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(15) When the society to which property is transferred under sub-rule (5) has realised all its dues, under the order in execution of which the property was transferred, from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

#### 98. *Procedure for recovery of sums due to Government.*—

The provisions of rules 92 to 97 shall apply in regard to the recovery of any sum due to the Government from a society or from an officer, former officer member or past or deceased member of a society in pursuance of a demand issued by the Registrar or by any authority competent to issue such demand including any costs awarded to the Government in proceedings under the Act as if the Government were a decree-holder and the society or officer, former officer, member, or past or deceased member of society, as the case may be, was a defaulter, subject to the following modifications, namely :—

(1) The Registrar may, of his own motion, take any steps which he may deem suitable in the matter of such recovery in accordance with the provisions of those rules and without any

applications having been made to him in that behalf under those rules.

(2) It shall not be necessary to deposit any sum by way of costs as required by sub-rule (2) of rule 92.

(3) It shall not be necessary for the sale officer to give the decree-holder previous notice, as required by clause (a) of sub-rule (5) of rule 92 of the intention to serve the demand notice on the defaulter and in default of payment to distrain his property. Nor shall the provision of clause (b) of sub-rule (5) of that rule which empowers the sale officer to require the decree-holder to undertake the custody of the distrained property apply.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder as required by clause (d) of sub-rule (11) of rule 92.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder as required by clauses (e) of sub-rule (11) of rule 92.

(6) The Registrar shall himself obtain the encumbrance certificate required to be furnished by the decree-holder under clause (f) of sub-rule (11) of rule 92.

(7) The payments required to be made under clause (1) (b) of sub rule (13) of rule 92 shall be made to the sale Officer on behalf of the decree holder.

(8) The application referred to in clause (i) of sub-rule (14) of rule 92 shall be made by the recovery Officer on behalf of the decree holder.

## CHAPTER XII

### *Appeals, Revision and Review.*

99. *Procedure for presentation to and disposal of appeals Government and Registrar under section 124.*—(1) (a) An appeal to the Government or the Registrar shall be presented by the appellant or by his duly appointed agent to the appellate authority either in person during office hour or sent to it by registered post. When the appeal is presented on behalf of a society, a copy of the resolution of the Committee of the society in respect of appeal and authorising the officer to sign and present the said appeal, shall also accompany the memorandum of appeal.

(b) An appeal to the State Government under the Act may be heard by such officer or officers as may be specified by the Government.

(2) When such an appeal is presented by an agent, it shall be accompanied by a letter of authority of the appellant appointing him as such.

(3) Every appeal shall be accompanied by a certified copy of the order against which the appeal is preferred.

(4) Every appeal shall :—

- (i) be either type-written or hand-written in ink legibly ;
- (ii) specify the name and the address of the appellant and also the name and address of the opponent, as the case may be ;
- (iii) state by whom the order against which the appeal is preferred was made;
- (iv) clearly state the grounds on which the appeal is made ;
- (v) state precisely the relief which the appellant claims ; and
- (vi) give the date of the order appealed against.

(5) On receipt of the appeal, the appellate authority shall endorse on it the date of its receipt by it. The appellate authority shall, as soon as possible, examine it and satisfy itself that :—

- (i) the person presenting it has the authority to do so;
- (ii) it is made within the prescribed time limit ; and
- (iii) it conforms to all the provisions of the Act and these

rules.

(6) If the appellate authority finds that the appeal presented does not conform to any of the said provisions, it shall make a note on the appeal to that effect and may call upon the appellant or his agent to remedy the defects within a period of seven days of the receipt of the notice to do so or in case the appeal has not been presented within the prescribed time limit to show cause within the said period of seven days why it should not be dismissed as time-barred by the appellate authority.

(7) If the defect is remedied or the cause shown by the appellant or his agent satisfies the appellate authority, the appellate authority may proceed to consider the appeal.

(8) If the appellant or his agent fails to remedy the defects or to show cause to the satisfaction of the appellate authority within the said period, the appellate authority may if the appeal is not presented within the time limit dismiss the appeal as time-barred. In cases where it is considered necessary to give a hearing, the appellate authority may fix a date for hearing, of which due notice shall be given to the appellant or his agent.

(9) On the date so fixed, the appellate authority shall go through the relevant papers, hear the appellant or his agent, if present, and pass suitable order on the appeal.

(10) The appellate authority may, at its discretion, adjourn to any other day the hearing of any appeal at any stage.

(11) When the hearing of the appeal is completed, the appellate authority shall announce its judgment forth with or may fix a date for the same, after giving due notice to the appellant or the other parties to the appeal.

(12) Every decision or order of the appellate authority shall be in writing and a copy of the same shall be supplied to the appellant and such other parties as in the opinion of the appellate authority are likely to be affected by the decision or the order.

## CHAPTER XIII

### Miscellaneous.

#### 100: *Accounts and other books to be maintained by societies.*—

(1) Every society shall keep and maintain the following accounts and books for the purpose of recording the business transacted by it:—

(a) Minutes book for recording the proceedings of the committee and of the general body of members.

(b) Register of applications for membership, containing the name and address of the applicant, the date of receipt of application the number of shares applied for and in case of refusal, the date of communication of the decision refusing admission to the applicant.

(c) Register of members showing the serial number, name and address of each member, the date of admission, the number of share or shares taken by him, the name or names of nominee appointed by such member, witness to such nomination and the date of cessation of membership.

(d) Register of shares showing the name and address of each member, the number of share or shares taken by him and the amount paid by him towards such shares and the amount of share capital, if any refunded to him together with the date of each such payment and refund, the number of share or shares transferred and the name of transferee with the date of such transfer.

(e) Cash book, showing daily receipts and expenditure, and the balance at the end of each day of transactions.

(f) Receipt book, containing forms in duplicate, one of each set to be issued for money received by the society and the other to serve as counterfoil.

(g) Voucher foil, containing all vouchers for contingent expenditure incurred by the society, numbered serially and filed chronologically.

(h) Ledger of borrowings, showing deposits and other borrowing of all kinds.

(i) In the case of societies issuing Loans—

(1) Loan ledger, showing the number and date of disbursement of each loan issued to members, the amount of loan, the purpose for which it is granted and the date or dates of repayment, distinguishing principal and interest.

(2) Liability register showing the indebtedness of each member to the society whether on account of loans taken directly by him or on account of loan for which he stands as surety.

(j) In the case of a society with unlimited liability, property statement of members showing the assets and liabilities of each individual member on the date of his admission with full details of the property including the survey number of the lands, the statement being revised as often as may be necessary and in any case at least once in three years and such statements being entered in a register in a stitched volume.

(k) In the case of a society, the working capital of which exceeds twenty thousand rupees, general ledger showing receipts and disbursements and the outstanding under various heads from day-to-day.

(l) In the case of a society to which rule 66 applies, register of fluid resources showing the immediate liabilities of the society and the extent of fluid resources available to meet them.

(m) Monthly register of receipts and disbursements.

(n) Register of dividend.

(o) Register of debentures and bonds (where capital is raised by debentures and bonds).

(p) Stock register.

(q) Property register.

(r) Plant and machinery register in case of processing and producers society etc.

(s) Register of audit objections and their rectification.

(t) Such other accounts and books as may be required by the Registrar from time to time.



(2) The Secretary of the society shall be responsible for the custody of the registers prescribed under these rules, bye-laws and other record of the society.

101. *Maintenance of register of names etc. of co-operative societies.*—The Registrar or the authority competent to register a society shall maintain:—

(1) a register of the names and addresses of all co-operative societies registered under the Act; and

(2) a record of the bye-laws of each such co-operative society, with all subsequent amendments thereto, arranged in the order in which the amendments are registered.

102. *Power of Registrar to direct accounts and books to be Written up.*—The Registrar may, by order in writing, direct any co-operative society to get any or all the accounts and books required to be kept by it under rule 100 written up to such date, in such form and within such time as he may direct. In case of failure by any society to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such cases, it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to it, the charges which the society concerned should pay to the State Government and to direct its recovery from the society.

103. *Certifying copies of entries in books.*—(1) For the purposes specified in section 141, a copy of an entry in the books of a co-operative society regularly kept in the course of its business shall be certified:—

(a) by the Chairman or Secretary of the Society and shall also bear the society's seal, or

(b) by the liquidator where an order has been passed under section 79, appointing a liquidator of the society, or

(c) by an Administrator where an order has been passed under section 36, appointing administrator of the society.

(2) The charges to be levied for the supply of such certified copies shall not exceed the amounts specified in rule 109.

104. *Statements and returns to be furnished by Societies.*—(1) Every Co-operative society shall prepare for each Co-operative year—

(a) a statement showing the receipts and disbursements for the year,

(b) a profit and loss account,

(c) a balance sheet, and

(d) such other statements or returns as may be specified by the Registrar.

(2) Every co-operative society shall submit to the Registrar annually, within such time as he may direct a copy of the statements specified in sub-rule (1). After the Registrar or auditor has verified the statements and granted his audit certificate, the society shall publish the audit certificate and such of the other statement as he may direct in the manner specified by him and the audit certificate shall so far as practicable be granted within one year from the date of receipt of the statements specified in sub-rule (1).

(3) Every Co-operative society shall, in addition to the annual statements specified in sub-rule (1) also submit to the Registrar any statement or return in such form, within such time, and for such period as the Registrar may specify.

(4) In case of failure by any society to submit any statement or return specified in sub-rule (1) or (3) within the time directed by him, the Registrar may depute an officer to prepare the necessary statement or return. The members of the committee and other officers of the society shall furnish to such officer entrusted with the work, all information necessary for preparing the return or returns. In such cases, it shall be competent for Registrar to determine, with reference to the time evolved in the work and emoluments of the officer deputed to do it, the charges which the society concerned should pay to Government and to direct its recovery from the society as arrears of land revenue.

105. *Mode of service of summons or notices.*—(1) Every summons or notices issued under the Act or these rules shall be in writing, shall be authenticated by seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf. The summons or notices shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence or to produce a document or for both purposes; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

(2) Summons or notices issued under the Act or these rules may be served through a Tehsildar or any employee of the Co-operative Department or of an apex or Central Society or through the Chairman or Secretary of the society or by registered post with acknowledgement due. Every person or society to whom summons or notices are sent for service shall be bound to serve them within a week.

(3) Any person may be summoned to produce a document, without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced, instead of attending personally to produce the same.

(4) The service of summons or notices under the Act or these rules on any person, may be effected in any of the following ways:—

- (a) by giving or tendering it in person; or
- (b) if such person is not found, by leaving it at his last known place of abode, or business or by giving or tendering it to some adult member of his family; or
- (c) if the address of such person is known to the Registrar or other authorised person, by sending it to him by registered post with acknowledgement due; or
- (d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his known place of a bode or business.

(5) Where the serving officer delivers or tenders a copy of the summons or notices to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered as an acknowledgement of service endorsed on the original summons or notices.

(6) The serving officer shall in all cases in which the summons or notices have been served under sub-rule (5), endorse or annex, or cause to be endorsed or annexed, on or to the original summons or notices a return stating the time when and the manner in which the summons or notices were served and the name and address of the person, if any, identifying the person served and witnessing the delivery or tender of the summons or notices.

(7) Where the defendant to be summoned is a public officer or is the servant of a local authority or a society, the officer issuing the summons may, if it appears that the summons may be conveniently so served, send it by registered post acknowledgement due for service on the party to be summoned to the head of the office in which he is employed together with a copy to be retained by the defendant.

106. *Authentication of notice or process.*—Every notice or process issued under the Act, or these rules shall be in writing, shall be authenticated by the seal, if any, of the officer by whom it is issued, and shall be signed by such officer or by any person authorised by him in writing in that behalf.

(2) Where the copies are prepared, the amount due from the member according to the scale laid down in the sub-rule (1), shall be retained by the society as copying fees and the surplus amount, if any, remaining out of the deposit shall be refunded to the member at the time of supplying copies. Where the amount deposited by the member is found to be insufficient to cover the copying fees, the member shall be called upon to pay the deficit before taking delivery of the copies.

(3) The copies shall be certified and signed as to true copies by any person mentioned in the rule 103.

110. *Power to exempt from rules*—The Government may, by general or special order, exempt any society or any class of societies from any of the provisions of the rules or may direct that such provisions shall apply to such society or class of societies with such modifications and, or conditions as may be specified in the order.

111. *Repeal and Savings* :—The Rajasthan Co-operative Societies Rules, 1957, and the Rajasthan Sahakari Bhumi Bandhak Bank Rules, 1957, are hereby repealed, except as respects thing done or omitted to be done before the repeal thereof.

### FORM "A"

(See Rule 6)

#### *Report to Government*

To  
The Secretary to Government,  
Co-operative Department,  
Rajasthan, Jaipur.

#### *Registration proposal.*

*Sub*:—Report regarding

I have received a proposal for registration of .....  
Society village..... Tehsil ..... District.....on.....  
It may not be possible to dispose of this registration proposal within a period of three months as laid down under section 8(3) of the Rajasthan Co-operative Societies Act, 1965 for the following reasons, that is to say :—

(1) The promoters have not given information called for from them within the specified time.

(2) The promoters have not been able to collect the share capital which is necessary for the successful working of the society.

(3) Details regarding immovable property proposed to be purchased/acquired/transferred to the society are not given by the promoters.

(4) The concurrence of other departments regarding the feasibility of the scheme has not been received.

(5) The promoters have not been able to give detailed working of the scheme which they propose to implement.

(6) Any other reasons,

2. In the circumstances, I would request that Government may please be moved to allow me to register the society after the above requirement (s) is/are fulfilled within a further period up to:—

Assistant/Deputy/Joint/Additional  
Registrar of Co-operative Societies

Submitted through the Deputy/Joint/Additional Registrar of the Co-operative Societies for onward transmission to Government.

N.B.—The reasons for delay to be given in the body of the letter should be self-explanatory, any other reasons, if any, for the delay in the registering of the society should also be mentioned.

#### FORM "B"

(See rule 24)

List of members of ..... Society Limited/Unlimited.

As on.....

S.No.	Full Name of the Member with Father's Name/Husband's name	Address	Class of Members.
1	2	3	4

#### FORM "C"

[See rule 49 (1)]

#### Declaration under Section 39.

I,..... (age.....) residing at..... having been admitted to the membership of ..... Society with Limited/unlimited liability and being desirous of borrowing loan from the society/having borrowed loan from the society before make this declaration as required by section 39 (a)/39 (b) of the Rajasthan Co-operative Societies Act, 1965, that own/I have interest as a tenant-in land specified in the Schedule, and I hereby create a charge on the said land/interest in favour of the society for the payment of the amount of the loan which the society may make/has made and for all future advances, if any, which the society may make to me subject to the maximum amount of Rs..... together with interest on such amount of the loan and advances.

## SCHEDULE

Survey No.					
Name of village	Name of Tehsil	Name of District	City Survey No.		
			Khata No.	Khāra No.	
1	2	3	4	5	
Boundaries				Area	
South	East	North	West	Bighas	Biswas
6	7	8	9	10	11
Assessment		Encumbrances, if any,		Remarks,	
Rupees.	P.	Approximate value	Nature	Amount	If any,
12	13	14	15	16	17

In witness whereof, I, Shri..... hereunder set my hand this..... day of ..... in the year one thousand nine hundred and .....

Witness.

Signed and delivered by the above named in the presence

of:-

- (1) ..... Applicant's/Borrower's Signature  
 (2) ..... Attested by.....  
 Designation.....

Forwarded with compliments to the Patwari with a request to include the particulars of the charge ..... created under the declaration in the Record of Rights and to return to the society for its record.

Chairman,  
 Secretary  
 ..... Society.  
 Panchayat Samiti.

Returned with compliments to the Chairman..... Society, Limited/Unlimited. The charge created under the declaration is duly included in the Record of Rights on the..... day of..... 19.....

Signature of Patwari.....  
 Halka.....  
 Tehsil.....  
 District.....

## FORM "D"

[(See rule 49(2))]

*Register of declaration made under Section 39(a)(b)*

S. No.	Date of entry in the register	Name of the member.	Date of declaration	Name of the village in which land is situated.																	
1	2	3	4	5																	
<table border="1"> <thead> <tr> <th>Survey No.</th> <th>Area</th> <th>Assessment</th> <th rowspan="3">Approximate value.</th> </tr> <tr> <th>City Survey No.</th> <th>Khasara No.</th> <th>Bighas Biswas</th> </tr> <tr> <th></th> <th></th> <th>Rupees Paise</th> </tr> <tr> <th>6</th> <th>7</th> <th>8</th> <th>9</th> <th>10</th> <th>11</th> <th>12</th> </tr> </thead> </table>					Survey No.	Area	Assessment	Approximate value.	City Survey No.	Khasara No.	Bighas Biswas			Rupees Paise	6	7	8	9	10	11	12
Survey No.	Area	Assessment	Approximate value.																		
City Survey No.	Khasara No.	Bighas Biswas																			
		Rupees Paise																			
6	7	8	9	10	11	12															
Encumbrances, if any		Amount of maximum loan	Remarks, if any	Initials of the Chairman																	
Nature	Amount																				
13	14	15	16	17																	

## FORM "E"

-- [See sub-rule (4) of rule 50 of the Rajasthan Co-operative Societies Rules, 1966]

*Form of remittance under sub-rule (4) of rule 50 of the Rajasthan Co-operative Societies Rules, 1966, of recoveries effected from the members on account of the dues to a co-operative society.*

To

The President/Secretary,  
Co-operative Society.

Sir,

With reference to your requisition, dated the ..... for the recovery of amounts due, to your society for the month..... 196... remit herewith Rs..... (Rs..... in words).

Details of the amount recovered are furnished below:—

Name of the Member	Amount recovered	Date of recovery.
	Rs.	P.

Total

Less cost of  
remittance, if any.

Net amount  
remitted.

Please acknowledge receipt.

Yours faithfully.

Employer or officer disbursing salary or wages.

## FORM No. "F"

[See sub-rule (7) of rule 50 of the Rajasthan Co-operative Societies Rule, 1966]

*Register showing the recovery and remittance of moneys due to Co-operative Societies maintained under sub-rule (7) of rule (50) of Rajasthan Co-operative Societies Rules, 1965.*

S. No.	Name of the Co-operative Society.	Date of receipt of demand from the Society.	Name of the employee from whom dues have to be recovered.														
1	2	3	4														
<table border="1"> <thead> <tr> <th rowspan="2">Demand</th> <th colspan="2">Receipts</th> <th colspan="2">Payments</th> </tr> <tr> <th>Date of recovery</th> <th>Amount recovered</th> <th>Amount</th> <th>remitted</th> </tr> <tr> <th>5</th> <th>6</th> <th>7</th> <th>8</th> <th>9</th> </tr> </thead> </table>				Demand	Receipts		Payments		Date of recovery	Amount recovered	Amount	remitted	5	6	7	8	9
Demand	Receipts		Payments														
	Date of recovery	Amount recovered	Amount	remitted													
5	6	7	8	9													
<table border="1"> <thead> <tr> <th colspan="2">Payments</th> </tr> <tr> <th>Challan No. and date of remittance or signature of the authorised representative of the society</th> <th>No. and date of the official printed receipt of the society</th> </tr> <tr> <th>10</th> <th>11</th> </tr> </thead> </table>				Payments		Challan No. and date of remittance or signature of the authorised representative of the society	No. and date of the official printed receipt of the society	10	11								
Payments																	
Challan No. and date of remittance or signature of the authorised representative of the society	No. and date of the official printed receipt of the society																
10	11																
Remarks (here enter the reasons for the difference if any between the amounts in columns (4) and (6))		Initials of the officer disbursing the salary or wages.															
12		13															

## FORM No. "G"

[See clause (i) of sub-rule (5) of rule 32 of the Rajasthan Co-operative Societies Rules, 1966].

*Nomination form for election under clause (i) of sub-rule (5) of rule 32 of the Rajasthan Co-operative Societies Rules, 1966 as a member of the Committee of a Co-operative Society.*

1. Name of the Society.
2. Admission Number and name of the candidate.
3. Father's or husband's name,
4. Address.
5. Admission number and name of the proposer.
6. Signature or thumb impression of the proposer.
7. Admission number and name of the seconder.
8. Signature or thumb impression of the seconder,



*Candidate's declaration.*

I declare that I am willing to stand for election.

(Signature or thumb impression of candidate.)

*Endorsement by the person authorised to receive the nomination paper.*

This nomination was presented to me in person at.....  
on (date) .....at.....(hour) by.....

FROM "H"

[ See Rule 44 (1) ]

Balance Sheet

Instructions in accordance with which liabilities should be made out.	Liabilities		Assets		Instructions in accordance with which assets should be made out.
	Figures for the previous year	Figures for the current year	Figures for the previous year	Figures for the current year	
1	2	3	4	5	6

Rs.

1. Share capital :-

I. Contributed by Government and by co-operative societies and different classes of individual members shall be shown separately. Terms of redemption or conversion of any redeemable preference shares should be mentioned.

Rs.

Authorised : share of Rs.... each Subscribed : ( distinguishing between the various classes of capital and stating the particulars specified below, in respect of each class).  
Less—Calls in arrears.  
Add— Calls in advances.

Rs.

I. Cash and Bank balance  
(a) Cash in hand.  
(b) Cash in Bank :-  
(i) Current Account.  
(ii) Saving Banks Account.  
(iii) Call deposit on Bank.

Rs.

I Fixed deposits and call deposits with Central Banks and other approved bankers should be shown under the heading "Investments" and not under the heading "Cash and bank balance."

I. A Subscriptions toward

1	2	3	4	5	6
	Rs.		Rs.		Rs.
II. (a) Statutory Reserve Fund and other reserves and funds shall be shown separately.		II. Reserve Funds and others Funds :		II. Investments :	II. The nature of each investment and the mode of valuation (cost or market value/should be mentioned. If, the book value of any society is less than the market value a remark to that effect should be made against each item.
(b) Additions and deductions since last Balance Sheet to be shown under each of the specified head.		(a) Statutory Reserve Fund.		(a) Government Securities.	
(c) Funds in the nature of reserves and funds created out of any profits for specific purposes should be shown separately.		(b) Building Fund.		(b) Other Trustee Securities.	
		(c) Special Development Fund.		(c) Non-Trustee Securities.	
		(d) Bad and Doubtful Debts Reserve.		(d) Shares of other Co-operative Societies.	
		(e) Investment Depreciation Fund.		(e) Shares, Debentures or Bonds of companies registered under the Companies Act.	
		(f) Dividend Equalization Fund.		(f) Fixed deposits.	
		(g) Bonus Equalization Fund.			
		(h) Reserve for overduel interest.			
		(i) Other funds.			
III. Staff Provident Fund and any other Insurance of Bonus Funds maintained for the benefit of the employees should be shown Separately.		III. Staff Provident Fund :-		III. (1) Investment of Staff Provident Fund.	III. Quoted and unquoted securities should be shown separately.
IV. The nature of the security should be specified in each case.		IV. Secured Loans :		(2) Advances against Staff Provident Fund.	
		(a) Debentures			
		(b) Loans, overdrafts			
				IV. Loans & Advances :	IV. In case of Central Banks and other federal societies loans
				1. (a) Loans	
				(b) Overdrafts.	

1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Where loans have been granted by Government of State Co-operative Central Banks a mention thereof should also be made together with the maximum amount of such guarantee. Loans from (1) Government, (2) State Co-operative Banks or Central Bank, State Bank of India & other Banks should be shown separately.	and cash credits from Banks. (c) Loans from Government. (d) Other secured loans.		(c) Cash Credits : (i) Against pledge of goods. (ii) Against hypothecation of goods. (iii) Clear of which overdue (Rs ) 2. Loans due by managing committee members Rs.... Loans by Secretary. and other employees Rs ..... ..		due by societies and individual members should be shown separately.
V.	V. Unsecured Loans : (a) Loans, cash credits & overdrafts from Central Banks. (b) From Government (c) From others. (d) Bills payable.	V. Sundry Debtors : (1) Credit sales. (2) Advances. (3) Others.		V.	
VI. Deposits from societies and individual Should be shown separately.	VI. Deposits. (a) Fixed Deposits (b) Recurring deposits. (c) Thrift of saving	VI. Current Assets :— 1. Stores spare parts. 2. Loose tool. 3. Stock-in trade.		VI. Mode of valuation and stock shall be stated and the amount in respect of	

raw materials, partly finished and finished goods and stores required for consumption should be stated separately Mode of valuation or works in progress shall be stated.

VII. Under each head the original cost & the additions thereto and deduction therefrom made during the year and the total depreciation on ..... Writen of for provided upto the end of the year should be stated.

#### 4. Works in progress.

- deposits.
- (d) Current deposits.
- (e) Deposits at call.
- (f) Other deposits.
- (g) Credit balance in each credit and overdrafts accounts.

#### VII. Current liabilities & VII. Fixed Deposits

- (a) Lands & buildings.
- (b) Leaseholds.
- (c) Railway siding.
- (d) Plants & Machinery.
- (e) Loose tools, tackles & other equipments.
- (f) Deadstock.
- (g) Furniture & fittings.
- (h) Live Stock.
- (i) Vehicles etc.

#### VIII. Miscellaneous expenses and Losses : 1. Goodwill.

- (a) Advances, recoveries for the portion for which value has still to be given, vizunexpired sub-scriptions premiums, commission etc.
- (b) Sundry creditors.
- (c) Outstanding creditors :—
- (i) For purchases
- (ii) For expenses including salaries of staff, rent, taxes, etc.

- (c) Advances, recoveries for the portion for which value has still to be given, vizunexpired sub-scriptions premiums, commission etc.

#### VIII. Unpaid Dividends.

2. Preliminary expenses.
3. Expenses connected with the issue of shares & debentures including underwriting charges, brokerage, etc.
4. Deferred revenue expenditure.

IX. Interest accrued due but not paid.

IX. Other Items :

- (a) Prepaid expenses.
- (b) Interest accrued but not due.
- (c) Other items (to be specified).

X. Other liabilities (to be specified).

X. Profits & Loss Account. Accumulated Losses not written off from the reserve or any other fund.

XI. Contingent liabilities which have not been provided for should also be mentioned in the Balance Sheet by way of a foot-note.

IX. Profit & Loss Account :  
Profit for last year.  
Loss—Appropriation.  
Add—Current profits.

IX. Current Losses.

Profit and Loss Account				
Last year's figures Rs. P.	Expenditure	This year's figures		This year's figures Rs. P.
		Rs.	P.	
1	2	3	4	5
1.	Interest :			1. Interest Received :-
	(a) Paid Rs.			(a) On loans and Advances.
	(b) Payable Rs.			(b) On investments.
2.	Bank Charges.			2. Dividend received on shares.
3.	Salaries and allowances of staff			3. Commission.
4.	Contribution to Staff Provident Fund.			4. Miscellaneous Income :-
5.	Salary and Allowances of Managing Director.			(a) Share Transfer fees.
6.	Attendance fees and travelling expenses of Directors and Committee Members.			(b) Rent.
7.	Travelling expenses of staff.			(c) Rebate in Interests.
8.	Rent, rates and taxes.			(d) Sale of forms.
9.	Postage, Telegram and Telephone charges.			(e) Other Items.
10.	Printing and Stationery.			5. Land income and Expenditure accounts.
11.	Audit fee.			
12.	(Contingencies) General Expenses.			
13.	Bad Debts written off or provision made for bad debts.			
14.	Depreciation on fixed assets.			
15.	Land Income and Expenditure Account.			
16.	Other items.			
17.	Net Profit carried to Balance Sheet.			

Note.—In the case of marketing societies, consumers' societies and similar other societies which have undertaken trading activities, the Profit and Loss Account shall be divided into two parts showing separately the trading account and the Profit and Loss Account. In case of producers' societies, processing societies, forest labourer's societies and other societies which have undertaken production activities, the manufacturing account shall also be prepared in addition.

**FORM "I"**  
(See Rule 75)

*Application regarding reference of a dispute.*

To, The Registrar / Additional / Joint / Deputy / Assistant Registrar.

1. Name :           Age : Occupation :       Address		
2. Name :           Age : Occupation :       Address		Disputants.
3. Name :           Age : Occupation :       Address		
<i>Versus</i>		
1. Name :           Age : Occupation :       Address		
2. Name :           Age : Occupation :       Address		Opponents.
3. Name :           Age : Occupation :       Address		

Particulars of the claim or the facts constituting the cause of action and when it arose :-

The Disputant/Disputants pays/pray as under :—

In support of the above claim of relief sought I/We enclose documents and papers as per the list annexed hereto.

Date, (Signed).....

*Disputant/Disputants.*

I/We.....Disputant/Disputants/declare that the facts stated above are true to the best of my/our knowledge and belief.

Date (Signed).....

(1)		
(2)		+ Disputants
(3)		

Filed in the office ..... on ..... 196.

Note :—(1) In case there are more Disputants or Opponents their names, Address, Ages and Occupations should also be mentioned.

(2) In disputes relating to monetary claims, the applicants should state the precise amount claimed but where this cannot be exactly ascertained the applicants shall state the approximate amount claimed.



- (3) When a society is a disputant, a copy of the resolution of its Committee or Board of Director shall accompany the application.

## FORM "J"

[(See rule 8/(8))]

Whereas Shri..... resident of ..... has applied for loan the purpose of (specify purpose)..... a purpose mentioned in Section 84 of the Rajasthan Co-operative Societies Act, 1965 from the ..... Land Development Bank Limited ..... and has proposed to offer as a security for the loan, the lands mentioned in the margin;

Land in which improvement is to be effected.

Name of village.	Survey No.	Assessment
.....	.....	.....
.....	.....	.....

Lands proposed to be offered as security.

Name of the village	Survey No.	Assessment
.....	.....	.....
.....	.....	.....

Notice, is hereby given that objections, if any, to the grant of loan from all persons interested will be heard by the undersigned at..... O'clock on..... 19..... at .....

Any person wishing to submit any objection should appear in person at the above mentioned time and place before the under-

signed together with any documents he wants to produce in support of his objections.

It is hereby notified for the information of all persons interested that according to the provisions of Section 92 of the Rajasthan Co-operative Societies Act, 1965, a written order by the Land Development Bank or person or committees authorised under the bye-laws of the Bank to make loans for all or any of the purposes specified in Section 84, granting either before or after the commencement of the said Act, a loan to or with the consent of person mentioned therein, for purposes of carrying out the work specified therein for the benefit of the land or for the productive purpose mentioned therein, shall for purposes of the said Act, be conclusive of the following matters, that is to say.

- (a) that the work described or the purpose for which the loan is granted, is an improvement or productive purpose, as the case may be, within the meaning of Section 84;

- (b) that the person had at the date of the order a right to make such improvement or incur expenditure for productive purpose, as the case may be; and
- (c) that the improvement is one benefitting the land specified and productive purpose concerns the land offered in security, or any part thereof as may be relevant.

If any person interested fails to appear as stated as required by this notice, the questions at issue will be decided in their absence and such persons will have not claim whatsoever against the property for which the loan applied for, will be sanctioned till such time as the loan together with interest thereon or any other dues arising of the loan are paid in full by the loanee.

Dated this day of .....19

(Signed)

Designation of Officer.

Copy forwarded with compliments to the Patwari or other corresponding officer ... .. village and the..... .. Land Development Bank, Limited..... ..with a request to affix this notice at the village chopal and head office and relevant branch office of the Bank immediately and inform the under-signed accordingly by..... ..

FORM 'K'

(See rule 89)

*Certificate to be granted to the purchaser of the property under Section 109 (1) of the Rajasthan Co-operative Societies Act, 1965.*

This is to certify that the following property :—

S. No.	Survey No.	Boundaries	Village	Tehsil	District	Name of the Mortgager who held the land.
1	2	3	4	5	6	7
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

Has been sold to..... at..... in public auction of the property held under Section 106 (1) of the Rajasthan Co-operative Societies Act, 1965, on.... for Rs.... and the said..... has been declared to be the purchaser of the said property at the time of the sale. The sale price of the said property was received on..... by the ..... Land Development Bank, Limited ..... The sale was confirmed under Section 107 of the Act and become absolute on.....

(Signature).....  
 Secretary/Manager,,  
 Land Development Bank, Limited.

FORM 'L'  
 (See rule 95)

*Proclamation to be issued at the time of the issue of a certificate under section 118,*

AA. In the case of immovable property :—

Whereas..... (judgment creditor) has obtained an award or awards under section 117 or an order or orders of the Liquidator under section 80 of the Rajasthan Co-operative Societies Act, 1965, for an amount of Rs ..... against..... judgment debtor) and proposes to execute the same by sale of the undermentioned property of the said judgment debtor and whereas the said judgment creditor has obtained a certificate dated ..... or execution of the award/awards or the order/orders, under section 118 of the said Act.

Notice is hereby given that any private transfer or delivery of, or encumbrance or charge on, the property made or created after the issue of the certificate shall null and void against the said judgment creditor under the proviso of Section 122 (2) of the Act aforesaid.

*Description of the Property.*

Date of award or order	Name of the parties against whom award or order has been passed and certificate under section 118 has been issued.	Survey No. or House No.	Name of the Village or Town etc.	Area	Assessment or other taxes	Other description of the property such as boundaries etc.
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The notice shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the said notice shall be fixed on a conspicuous part of the property and upon a conspicuous part of the Village Chopal, and also where the property is land paying

revenue to State Government, in the office of the Collector of the District in which the land is situated.

Place..... *Registrar of Co-operative Societies/  
Liquidator.*  
Date .....

B. In the case of movable property a similar notice may be given necessary changes as to the description of the property. A copy shall be delivered to the judgment-debtor.

### FORM "M"

[See rule 97 (5)]

### *Certificate for transfer of property under section 122.*

In the case of immovable property :—

Whereas in execution of the award or order or awards or orders passed under section 117 or an order or orders made by a Liquidator under section 80 of the Rajasthan Co-operative Societies Act, 1965, in favour of the.... society, an order was made on the..... day of ..... 19 , for sale of the undermentioned property of the person or persons (debtor or debtors);

And whereas the Court/the Collector/the Registrar is satisfied that the said property cannot be sold for want of buyers;

It is hereby ordered under section 122 of the said Act that the right, title and interest of the debtor in the said property shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Schedule hereto annexed.

### *Description of the Property*

Survey No,	Area and assessment.	Nature of right, title and interest of the defaulter.	Details of en- cum-brances to which prop- erty is sub- ject.
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### *The Schedule*

The said property is transferred to the society in full/partial satisfaction of the amount due to it from the debtor.

Given under my hand and seal of the Court/Collector/  
Registrar this .. day of ..... 19 .

*Court/Collector/Registrar of  
Co-operative Societies.*

In the case of the movable property :

(The form shall be similar with necessary changes as regards the description and the delivery of the property).

## *Notifications under*

### RAJASTHAN CO-OPERATIVE SOCIETIES ACT, 1965

#### CO-OPERATIVE DEPARTMENT-I

*Jaipur, September 30, 1965.*

Notification No. F. 17 (2) Co-op/58.—In exercise of the powers conferred by sub-section (3) of section 1 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), the State Government hereby appoints the 2nd day of October, 1965, as the date on which the said Act shall come into force.

[Pub. in Raj. Gaz. Ex. 4(ka)—Dt. 30-9-65]

#### CO-OPERATIVE DEPARTMENT I

*Jaipur, December 27, 1965.*

Notification No. F. 4(5) Coop. I/65.—In exercise of the powers conferred by sub-section (1) & (2) of section 123 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act 13 of 1965), the State Government hereby constitutes a Tribunal to be called the Rajasthan State Co-operative Tribunal consisting of one member only with effect from 2-12-1965.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 27-12-65]

#### CO-OPERATIVE (C. I.) DEPARTMENT

##### ORDER

*Jaipur, February 7, 1966*

No. F. 4(5) Co-op. I/1966. —In exercise of the powers conferred by sub-section (2) of section 123 of the Rajasthan Co-operative Societies Act, 1965 (Rajasthan Act XIII of 1965), the Government hereby appoints Shri Sohan Lal Agarwal, R.H.J.S; as the Presiding Officer of the Rajasthan State Co-operative Tribunal, constituted vide this Department's Notification even number, dated the 27 December, 1965.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 7-2-66]

#### Co-operative C. I. Department

*Jaipur, February 11, 1966*

Notification No. F. 11(85) Coop. I/63.—In exercise of the powers conferred by section 139 of the Rajasthan Cooperative Societies Act, 1965 (Rajasthan Act 13 of 1965) the State Government hereby exempts the societies which may be registered under this Act exclusively for the professional Goldsmiths and lapidary workers in the area of Rajasthan State from the minimum number of membership required under section 6 of the said Act, subject to the condition that the membership shall not be less than 5 in each Society.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 7.4.66—Page 21]

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*Rules and Notifications under*

COPYRIGHT ACT 1957 (ACT No. XIV OF 1957).

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# Rules under Copyright Act, 1957.

*Published in Raj. Raj-patra part IV (c) dated November 24, 1960 at page 512*

High Court of Judicature for Rajasthan at Jodhpur

## NOTIFICATION

Jodhpur, October 27, 1960.

*No. 4/S. R. O.*—In exercise of the powers conferred by Article 225 of the Constitution of India and section 73 of the Copyright Act, 1957 (Act No. XIV of 1957), the High Court of Judicature for Rajasthan is pleased to make the following rules which shall be incorporated in the Rules of Court, 1952, as Chapter XXX IV-B and to direct that these rules shall come into force from the date of their publication in the Rajasthan Gazette:—

818 X *Application of Rules of Court and C. P. C.*—"Appeals under section 72(2) of the Copyright Act, 1957 shall be Governed *mutatis mutandis* by the Rules of Court, 1952 and by the provisions of Order XLI of the Code of Civil Procedure and for such purpose such appeals shall be deemed to be appeals from orders and shall be heard by a division bench.

818 Y *Stay of Proceedings.*—The Court may, for sufficient reasons, direct that any proceedings in pursuance of the order appealed from shall remain stayed on such terms as it thinks fit."

By Order of the Court,  
C. JACOB,  
Registrar.

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*Rules and Notifications under*

COTTON GINNING & PRESSING FACTORIES ACT, 1925.  
(CENTRAL ACT No. 6 OF 1925).

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# Rajasthan Cotton Ginning & Pressing Factories Rules, 1953

Notification No. D. 8320/F. 2 (115) Ind /A/56 dated July 25, 1961, issued by the Industries (A) Department has effected following additions, omissions, insertions and substitutions :-

1. Words appearing in brackets at the end of rule 2 have been newly added.
2. Rules 2A and 2A have been added.
3. Sub-rule (v) of rule 3 has been added.
4. Words Director of Industries and Supplies, Rajasthan have been substituted for the words 'Commissioner for Industries and State Commercial undertakings' in rules 5 & 9.
5. Present sub-rule (2) of rule 5 has been substituted for the previous one: Previously sub-rule (2) stood as under :-

(2) Such returns shall be for seven days ending on the Friday of each week and shall be posted not later than the following day. The first return shall be for the week ending on the Friday immediately preceding the publication of these rules in the Rajasthan Gazette.

6. Rules 7A, 7B, 7C & 7D have been added.
7. In Form B new columns 5 and 6 have been asked to be inserted.
8. In rule 9, for the words "Commerce" wherever occurring the words "Supplies" have been substituted.
9. Schedule 'E' has been newly added.

# RAJASTHAN Cotton Ginning & Pressing Factories Rules, 1953

## NOTIFICATION

*Jaipur, September 21, 1953.*

No. F. 10(1) C & I (B) 51—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925, (XII of 1925.), the Government of Rajasthan is pleased to make the following Rules :—

1. *Short title, Extent and Commencement.*—These Rules may be called the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953.

(ii) They shall extend to whole of Rajasthan.

(iii) They shall come into force at once.

### *Notes.*

Section 13 of the Act authorises the State Government to make rules consistent with the Act to provide for all or any of the following matters viz.—

- (a) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;
- (b) the appointment of the authority to whom and the time within which the returns required by [sections 5 and 5A] shall be made;
- (d) the appointment of authorities for the purposes of sections 7, 8 & 9;
- (e) the manner of service of orders made under section 9
- (f) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the [Provincial Government];
- (g) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

These rules have been framed in exercise of the powers so conferred by section 18 of the Act.

2. *Definition.*—In these rules (a) “Act” means the Cotton Ginning and Pressing Factories Act, 1925 (b) “Section” means a section of the said Act and (c) “Schedule” means a schedule to these rules, and (d) An admixture of clause (aa) of section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) as amended by the Rajasthan Act No. 10 of 1956 in its application to the State of Rajasthan shall mean such admixture of different varieties of cotton as may be notified by the State Government in the Official Gazette.

2A. *Licence* :—(i) An application for the grant of licence under sub-section (1) of Section 2A shall be made by the owner of a Cotton Ginning Factory or a Cotton Pressing Factory to the Dy. Director of Industries and Commerce of the region in which the

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*These rules have been first published in Rajasthan Raj-patra Dated October 10, 1953 part, IV (b) page 91.*

factory is situated (within a period of one month from the enforcement of these rules) and for subsequent seasons within one month of the commencement of the season provided that this restriction shall not apply to the application for opening of a new Cotton Ginning or Cotton Pressing Factory."

(ii) The fee on payment of which a licence for a cotton ginning factory or a cotton pressing factory shall be granted shall be Rs10/-. Every application for a licence shall be supported by a treasury receipt showing the payment of the said amount of Rs. 10/- in the Treasury."

(iii) Subject to the restrictions imposed by or under the Act or under these rules a licence shall be issued in the form in Schedule 'E' hereto.

(iv) No licence for any cotton ginning or cotton pressing factory constructed after the commencement of these rules shall be granted except upon the production of a certificate from the Inspector of Factories within the local limits of whose jurisdiction such factory is situated, that the provisions of sub-sections (1) and (2) of the Section 9 have been complied with.

(v) In case in which the grant of the certificate referred to in sub-rule (iv) and of the issue of the licence is likely to be delayed owing to the Inspector of factories not being able to verify whether the provisions of sub-section (1) and (2) of section 9 as the case may be have been complied with the licensing authority may on payment of a fee of Rs. 10/- on the production of a certificate from such Inspector of factories that :—

(a) in the case of a cotton ginning factory, the plans and specifications have been approved by him, and,

(b) in the case of a cotton pressing factory, the flooring of the press house is suitable issue a provisional license.

Such licence shall be in the form as per Schedule 'E' hereto and shall be marked provisional. It shall remain in force for one season only, provided the licensing authority, may cancel it before the expiry of the said period.

2A. *The proportion of seed* —the proportion of seed for the purposes of Section 3A shall be one percent.

3. *Forms of Registers etc.*—(i) The ginning register shall be maintained in the form set out in Schedule 'A'.

(ii) The pressing Register shall be maintained in the form set out in Schedule 'B'

(iii) The weekly returns of cotton pressed shall be in the form set out in Schedule 'C'

(iv) The weekly returns showing the quantity of cotton ginned by a factory shall be in the form set out in Schedule 'D'.

(v) The monthly returns showing the quantity of cotton ginned by a factory shall be submitted in the form set out in Schedule E

*Notes*

The above registers are required to be maintained under section 3 of the Act.

The Schedules B & C as originally provided have been substituted by the enclosed new schedules vide Notification No. D. 18360/F. 2 (115)/1/56, dated 8-10-56 published Rajasthan Rajpatra part IV (c) dated 29-11-56.

4. *Power to Examine Registers etc*—Any officer empowered under section 13 (i) of the Act to enter and inspect a Cotton ginning factory or a Cotton pressing factory may when making such inspection, examine the registers mentioned in rule 3 (i) and (ii) and test the accuracy of the entries.

5. *Returns*—(i) The authority to whom returns under sections 5 and 5A of the Act shall be submitted shall be the Director of Industries and [supplies] Rajasthan.

(2) (a) The weekly returns under sub-section (3), Section 5 and sub-section (2) of Section 5A shall be for a period of seven days ending on Friday of each week and shall be submitted not later than the following days. The first returns shall be for the week ending on Friday immediately proceeding the publication of these rules in the Official Gazette.

(b) Cotton Ginning returns prescribed under section 5 (1) shall be furnished in the form prescribed in schedule 'F' and shall relate to calendar month and shall be submitted not later than 5th day of the following month. The first return shall be for the calendar month immediately proceeding the publication of these rules in Official Gazette.

(3) When a pressing or ginning factory finally ceases to work for the season, this fact shall be stated on the last weekly return

*Notes.*

The words, "The Director of Industries and Commerce" were substituted by the words, "The Commissioner for Industries and State commercial undertaking" vide Notification referred above. Notification No. D. 11844/F. 2(115) 1/56 dated 4/1/58 published in Rajasthan Rajpatra part IV (c) dated 30/1/58 again requires the substitution of original words, "Director of Industries and commerce".

6. *Weights to be used*—(1) No weight shall be used for the weighment of Kapas, ginned cotton or pressed cotton other than the standard maund of 82 2/7 lbs. and fractions thereof

(2) The weight of pressed and/or ginned cotton shall be converted into the expressed in lbs. avoirdupois in all returns required under the Act.

7. *Authority for the purpose of section 7, 8 & 9*—The prescribed authority for the purposes of sections 7, 8 & 9 (4) of the Act shall be the Collector of the District in which the factory is situated.

## Notes

The authority in question has been prescribed for the purposes of intimations required under sections 7 and 8 and for the requirements of sub-section (4) of section 9 of the Act.

7A. *Authority competent to give a certificate of moisture*—For the purposes of Section 3A; The Director of Industries and Commerce, Rajasthan, shall be the authority competent to give certificate as to the normal quantity of moisture which a given quantity of cotton should have, and the quantity of mixture which it actually possesses.

Such certificate may be based on :

- (a) an analysis of the cotton carried out at the Government Agriculture Laboratory in Rajasthan.

Or

- (b) at the laboratory of the Indian Central Cotton Committee at Bombay at the request of the Director of Industries and Commerce, Rajasthan.

7B. *Complaint of offences*—(1) A complaint that there has been a contravention of Section 3A or 3AA in respect of any Cotton Package or bale shall be made in writing of the Deputy, Director of Industries and Supplies of the region in which factory is located, and shall be accompanied by a sample of the cotton complained of :

Provided that no such complaint shall be entertained unless a fee of rupees fifty in respect of such cotton or rupees ten in respect of each such package or bale with a minimum fees of rupees fifty is paid at the time of making the complaint.

(2) The Director of Industries & Supplies, Rajasthan and the Deputy Director of Industries and Supplies of the region on receipt of such complaint shall cause the cotton package or bale in respect of which the complaint has been made to be seized and sealed and shall examine the same himself or forward it for examination and report to any authority prescribed in rule C.

*Note* :—The fee prescribed in sub-rule (1) shall be recoverable in the case of bales in respect of the actual number of bales to be opened for examination (subject to a minimum of 10% of a consignment) and not in respect of the total number of the bales in respect of which the complaint is made.

7C. *Authority competent to examine cotton etc.*—The authorities competent to examine such cotton or the contents of such package or bale shall be :—

1. The Joint Director of Industries and Supplies, Rajasthan (Chemical and Large Scale Industries, Jaipur)

An appeal shall lie against the decision of the above person to the State Government. The decision of the above authority if no appeal is filed against it within seven days or of the State Government if an appeal has been filed shall be final.

7D. *Manner of sealing.*—All things seized and required to be sealed under the Act shall be sealed with the official seal of the officer sealing the same and, if the owner or the person in charge of the factory so desires, also with the seal, if any, which he may provide for this purpose.

8. The prescribed authority for the purposes of section 9, sub-section (1) of the Act shall be the Chief Inspector of Factories, Rajasthan.

*Notes.*

The authority prescribed under this rule is meant for plans and specifications regarding structural requirements for factories.

9 *Power to enter and inspect Factories.*—A District Magistrate, the Director of Industries and [Supplies Rajasthan], the Deputy Director of Industries and [Supplies] the Assistant Director of Industries and [Supplies] or any officer specially empowered in this behalf by the State Government may enter and cotton ginning or pressing factory at any time during the usual working hours, and may make such inspections of the premises and machinery and of the prescribed registers as he may deem necessary for the purpose of the Act or of these Rules.

*Notes.*

The notes under Rule 5 apply equally to this rule so far as the substitution of the words, "Director of Industries and Commerce" is concerned.

10. *Press Mark to be exhibited.*—Every pressing factory shall exhibit in a conspicuous place a notice showing the mark allotted to the factory under section 12 of the Act.

11. *Commencement of Season.*—For the purposes of sections 5 and 5A of the Act the "Season" shall be deemed to commence on the first day of September in each year.

*Notes*

The explanation to section 5 of the Act provides that the word "Season" shall mean the period notified in that behalf by the State Government. The rule is meant to serve this purpose.

By Order of  
His Highness the Rajpramukh,  
G. L. MEHTA,  
Secretary to the Government.

SCHEDULE 'A'  
Ginning Register.

Name of the factory.		Name and address of owner.		Name of Registered lessee (if any).		Year.	Month
.....		.....		.....		.....	.....
Name of owner of Kapas	*Variety of Cotton	Quantity (by weight) of Kapas of ginned cotton.		Dates on which ginned	Remarks (if any)	Signature of owner or person in charge of the factory.	
		Kapas.	Lint				
1	2	3	4	5	6	7	
*The Cotton should be classified under the following different varieties viz. 1. M. B. and Rajasthan Americans. 2. Rajasthan Desi. M B. Comras. 4. Malvi. 5. U.P. Desi. 6. Jarila.							

SCHEDULE 'B'

Press Register.

Name of factory.....		Name of owner .....		Name of lessee (if any) .....		Press Mark.	
Date	Serial	Name of person for whom pressed	*Number of Bales of each variety of cotton pressed.	Total weight (in Lib. avoirdupois) of each variety of cotton pressed	Number of each variety of cotton bales pressed in bales of 392 Lib.	Signature of owner or person in charge of the factory.	
Year	Month	Day					
1	2	3	4	5	6	7	8
							9

\*Note:—The bales pressed should be classified under the following different varieties : viz.  
(i) M. B. and Rajasthan Americans, (ii) Rajasthan Desi, (iii) M. B. Comras, (iv) Malvi, (v) U. P. Deshi, (vi) Jarila.  
5. Name of Factory where it has been ginned. 6. The person for whom it has been ginned

**SCHEDULE "C"**

Return of Cotton Pressed for the week ending .....19.....

(Return under section 5 of the Cotton Ginning and Pressing Factories Act, 1925).

Name of press factory.	Name of owner.	Name of registered lessee (if any).	Press Mark.	Correct address of the factory.	postal of the
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Trade description (Names of relevant varieties.)	No. of bales pressed during the week.		During the corresponding week last year		No of bales pressed since the commencement of the season (i.e, the end of the week).		During the corresponding period last year		Remarks if any
	Running bales	Bales of 392 Lb. each.	Running bales.	Bales of 392 Lb. each.	Running bales.	Bales of 392 Lb. each.	Running bales.	Bales of 392 Lb. each.	
1	2	3	4	5	6	7	8	9	10
1. M.B. and Rajasthan Americans.									
2. Rajasthan Deshi.									
3. M.B. Comras.									
4. Malvi.									
5. U.P. Deshi.									
6. Jarila									

Total.

Cotton Lint.....place.....

Cotton Waste.....Date .....

*Signature of the owner or person-in-charge.*  
By Order of Governor,

A. K. ROY,  
Secretary to the Government.



**SCHEDULE 'D'**  
**Ginning Return.**

(Return under section 5 of the Cotton Ginning and Pressing Factories Act)

District..... Number of Ginning Factory.....

Quantity of Cotton ginned for the week ending ..... 19 ..

Name of Ginning Factory with correct Postal Address.....

Name of owner or of Registered Lessee (if any).....

(in Bojas of 392 Lbs. each)

Variety of Cotton	Quantity (by weight) of cotton ginned during the week.	During the corresponding week last year	Quantity (by weight) of cotton ginned since the Commencement of the season ( <i>i.e.</i> since 1st Sept. 19 . to the end of the week).	During the corresponding period last year.	Remarks.
Ginned	Kapas. Lint.	Kapas. Lint.	Kapas. Lint.	Kapas. Lint.	
1. M.B. and Rajasthan Americans					
2. Rajasthan Desi					
3. M.B. Comras.					
4. Malvi.					
5. U.P. Desi.					
6. Jarila.					

## SCHEDULE 'E'

*Form of Licences [ Rule 2A (iii) ]*

1. Name of Factory
2. Description of the place where it is situated.
3. Name, description and place of residence of the owner of the factory.
4. Period for which licence is granted.
5. Date of Commencement of the licence.
6. Fee paid.

*Conditions.*

1. This licence is granted subject to the provisions of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act, No. 12 of 1925) and the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953.
2. It shall remain in force for.....  
from the date of its commencement.

(SEAL)

Signature and designation,  
of the authority granting  
the licence.

# Rajasthan Cotton Ginning and Pressing Factories Rules, 1953.

Notification No. F. 2 (115) Ind. (A) 56 dated 6.6.63.—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925) (Central Act 12 of 1925) the State Government hereby makes the following amendment to the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953, hereinafter referred to as the said Rules, namely:—

## AMENDMENT

In the said Rules, in sub-rule (i) of rule 2A, for the words “The Deputy Director of Industries and Commerce of the region in which the factory is situated”, the words and commas “The Deputy Director Agriculture (Cotton), Rajasthan, Jaipur”, shall be substituted.

(Published in Rajasthan Gazette—Industries (A) Department—dated 4.4.1963 Part IV (Ga) Page 21)

## INDUSTRIES ‘A’ DEPARTMENT

*Jaipur, November 6, 1965.*

Notification No. F. 2. (115) Ind /A/56.—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (Central XII of 1925), the State Government hereby makes the following further amendments to the Rajasthan Cotton Ginning and Pressing Factories Rules, 1953, namely:—

## AMENDMENTS

In the said rules,—

(1) in the preamble, for the expression “is pleased to”, the expression “hereby makes” shall be substituted;

(2) in rule 2,—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) “Act” means the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) as amended by the Rajasthan Act 10 of 1957, in its application to the State of Rajasthan,”

(b) in clause (d), for the expression “An Admixture of clause (aa) of Section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925) as amended by the Rajasthan Act X of 1956 in its application to the State of Rajasthan shall mean”, the expression “admixture of Cotton

within the meaning of clause (aa) of section 2 means" shall be substituted;

(3) in rule 2A,—

(a) in sub-rule (1), for the expression "one month of the commencement", the expression "one month before the commencement" shall be substituted;

(b) in the sub-rule (iii),—

(i) the word "hereto" shall be omitted; and

(ii) the following expression shall be inserted at the end, namely:—

"Every such licence shall remain in force for one year from the date of its commencement, which shall be entered in the licence, and on the expiry of the said period, a fresh licence shall be granted only on the payment of a fresh fee of Rs. 10/-";

(c) for sub-rule (V), the following sub-rule shall be substituted, namely:—

"(v) where the grant of the certificate referred to in sub-rule (iv) or the issue of licence under sub-rule (iii) is likely to be delayed owing to Inspector of Factories not being able to verify whether the provisions of sub-section (1) or (2) of section 9, as the case may be, have been complied with, the licensing Authority may, on payment of a fee of Rs. 80/- on the production of a certificate from such Inspector of Factories that—

(a) in the case of a cotton ginning factory, the plans and specifications have been approved by him; and

(b) in the case of a cotton pressing factory, the flooring of the Press house is suitable, issue a provisional licence";

(d) after sub-rule (v) as so substituted, the following new sub-rule shall be inserted, namely:—

"(vi) such licence shall be in the form in schedule E and shall be marked provisional. It shall remain in force for one year provided that the Licensing Authority may cancel it before the expiry of the said period";

(4) for rule 2A occurring second time, the following rule shall be substituted namely:—

"2B. Proportion of seed.—The proportion of seed prescribed under sub-section 2 (a) of section 3A shall be one percent";

(5) in rule 3, sub-rule (v), for the expression "Schedule E" the expression "Schedule F" shall be substituted;

(6) in rule 6 for the expression "maund of 82.2/7 lbs."; the expression "Quintals or 100 Kgms." shall be substituted;

(7) rule 7(A), 7(B), 7(C), and 7(D) shall be re-lettered as rules 7A, 7B, 7C and 7E respectively, and the expression "rule 7 (A)" or the expression "rule 7(B)" or the expression "rule 7(C)" or the expression "rule 7 (D)" whenever occurring shall be construed as referring to rules 7A, 7B, 7C and 7E respectively.

(8) in rule 7A, for the expression "Director of Industries and Commerce" the expression "Director of Agriculture" shall be substituted;

(9) in rule 7B,—

(a) in sub-rule (1), for the expression "factory is located" the expression "cotton was pressed" shall be substituted;

(b) in sub-rule (2),—

(i) for the expression, "the Director of Director of Industries & Civil Supplies, Rajasthan and the Dy. Director of Industries and Supplies", the expression "the Director of Industries and Supplies, Rajasthan or the Dy. Director of Industries and Supplies, shall be substituted.

(ii) for the expression "rule C" the expression "rule 7C" shall be substituted;

(10) in the rule 7 C for the expression "1. The Jt. Director of Industries and Supplies, Rajasthan Chemical and Large Scale Industries, Jaipur", the expression "(1) The Joint Director of Industries and Supplies, Rajasthan (Commercial and Large Scale Industries), Jaipur; and

(2) The Dy. Director of Industries and Supplies of the Region" shall be substituted;

(11) after rule 7C, the following new rule shall be inserted, namely:—

"7D. Sealing of cotton seized.—After examination referred to in rule 7B or 7C, the cotton package or bale shall be resealed in the manner prescribed in the manner prescribed in 7E".

(12) for rules 7 and 8, the following rule shall be substituted, namely:—

7. Authority for purposes of section 7, 8 and 9.—(1) The authority prescribed for purposes of sections 7, 8 and sub-section (4) of section 9 shall be the collector of the district in which the factory is situated.

(2) The Authority prescribed for purposes of sub-section (1) of section 9 shall be the Chief Inspector of Factories, Rajasthan";

(13) after Schedule E the following new Schedule shall be inserted, namely:—

## SCHEDULE F.

(See sub-rule (V) of rule 3)

## GINNING RETURN

District

Number of Ginning Factory.

(Return under sub-section (1) of section 5 of the Cotton Ginning and Pressing Factories Act, 1925).

Return showing quantity of Cotton ginned for the month ending 19...

Name of Ginning Factory with correct Postal Address. Name of Owner or of Registered Leasee (if any).

Quantity (in quintals of 100-kg. each) of cotton ginned during the month.	Quantity in quintals of 100 kg. each of cotton ginned since the commencement of the season (i.e. since 1st Sept., 19....) to the end of the month.	Remarks
Quintals	Kgms.	Quintals Kgms.

Dated	19	Signature of owner or person in charge.
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[Pub. in Raj. Gaz. 4(Ga)—Dt. 17-2-66—Page 563]

NOTIFICATIONS UNDER  
THE COTTON GINNING & PRESSING FACTORIES ACT, 1925

*Published in Raj. Raj-patra Dated August 22, 1953 part V :*

COMMERCE AND INDUSTRIES DEPARTMENT  
NOTIFICATION

*Jaipur, July 30, 1953*

No. F. 10 (1)-C. & I. (B)/51.—In exercise of the power conferred by sub-section (1) of section 5A of The Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), the Government of Rajasthan is pleased to direct that the said section 5A of the said Act shall be in force in the State of Rajasthan.

By Order of  
His Highness the Rajpramukh  
G. L. MEHTA,  
*Secretary to the Government.*

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*Rules and Notifications under*

COTTON TRANSPORT ACT, 1923 (No. 3 OF 1923).

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# Rajasthan Cotton Transport Rules, 1966.

Agriculture (Cell V) Department

Jaipur, August 12, 1966

Notification No. F. 11-A (51) Agr.-V/64.—In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (Central Act No. 3 of 1923, the State Government hereby makes the following rules, namely—

1. Title and commencement.—(i) These rules may be called the Rajasthan Cotton Transport Rules, 1966.

2. Definition.—in these rules, unless the context otherwise requires—

(a) "Licensing Authority" means Director of Agriculture, Rajasthan, Jaipur and includes other officers not below the rank of District Agriculture Officer duly appointed by the Director of Agriculture. Application for grant of licence may be made to the licensing authority in form A.

(b) "Forms" means, Forms annexed to these rules.

(c) "Licence" means licence issued under these rules by the Licensing Authority.

(d) "Act" means the Cotton Transport Act, 1923 (Central Act 3 of 1923).

3. No Cotton of which the import has been prohibited by or under section 3 of the Act shall be imported in to a protected area by road, river or rail save as under and in accordance with the conditions of a licence issued as provided by these rules.

4. (i) Annual licences for import by rail, roads and river shall be granted to manufacturing concerns situated within the protected area of the importation of cotton or of any specified kind of cotton from outside such area for manufacture only. Such licences shall be in form 'B' hereto annexed and shall be subject to the conditions stated therein.

(ii) Annual licences for importation by rail, road and river of pressed cotton bales may be granted to persons, other than manufacturing concerns, within the protected areas for the purposes of selling them to manufacturing concerns. Such licences shall be in Form B.1 and shall be subject to the conditions stated therein.

(iii) In the case of rail consignments, a certified copy of such licences shall be tendered in form 'C' with each consignment at the despatching station and shall accompany the railway invoice to the station of delivery and shall then be forwarded by the railway authority concerned to the railway audit office for return to the Director, Regional Office (Cotton Development), Bombay and in the case of other consignment in the form 'C' to be tendered at Nakas etc. for being forwarded to the Director, Regional Office (Cotton Development), Bombay.

(iv) The licence shall be returned to the licensing authority at the expiration of the period for which it is granted together with all unused copies of the same.

(v) Licence for particular consignment by rail.—(a) A single licence to cover only one consignment may be granted to such persons as can satisfy the licensing authority that it is necessary to import cotton or any specified kind of cotton (that is, cotton seed, kapas, ginned cotton waste) into the protected areas. Such licences shall be in form 'D' and shall be subject to the conditions stated therein.

(b) Such licence shall be surrendered at the station of delivery to the Station Master or other officer as may be specified at the time of taking delivery of the cotton covered by the licence who shall forward it to the Licensing authority.

(vi) A certified copy of such licence shall be tendered in Form 'E' With each consignment at the despatching station and shall accompany the railway invoice to the Station of delivery and shall then be forwarded by the Railway Authority concerned to the Railway Audit Office for return to the Director, Regional Office (Cotton Development), Bombay.

(vii) Licence for particular consignment by road or river.—(a) A single licence to cover only one consignment may be granted of such persons as can satisfy the licensing authority that is necessary to import cotton or any specified kind of cotton (that is, cotton seed, kapas, ginned cotton or cotton waste) by road or river into the protected area. Such licence shall be given in form 'F' and shall be subject to the conditions stated therein.

(b) Such licence shall be delivered at the Naka or other place specified by the Licensing Authority to the officer mentioned in the licence who shall forward it to the Licensing Authority.

(viii) Separate licences to be issued for different kinds of Cotton.—Separate licences will be issued for different kinds of cotton, that is to say, for ginned cotton, cotton seed, unginned cotton (Kapas, and Cotton waste).

For issuing licence, the Licensing Authority shall charge the licensing fee at the following rate:—

(a) Seed Cotton.	36 paise per quintal.
(b) Lint Loose or Pressed.	75 paise „ „
(c) Cotton Seed.	36 paise „ „
(d) Cotton Waste.	75 paise „ „
(e) Annual general licence issued to cotton spinning mills for importing full pressed bales and to cotton seed oil mills for importing cotton seed for crushing.	Rs. 300.00 per licence.

- (f) Annual general licenses issued to the person other than cotton spinning mills for full pressed cotton bales. Rs. 500:00 per licence.

5. **Penalty.**—Any contravention of these rules or the conditions of any licence, not otherwise punishable under the Act, shall be punishable on conviction by a Magistrate with fine which may extend to five hundred rupees.

6. **Supersession of existing rules.**—The Rajasthan Cotton Transport Rules, 1963 are hereby superseded:

Provided that nothing in these rules shall affect the previous operation of the rules hereby superseded or any action taken thereunder.

### FORM A

#### (Application for Licence)

To

The Director of Agriculture,  
Rajasthan, Jaipur.

The District Agricultural  
Officer.....

Sir,

I/We the undersigned hereby beg to apply for a licence under the Cotton Transport Act, 1923, (Act III of 1923) available for the period of .... to..... for the importation by rail/road/river of bales/kilo of.... (State whether ginned cotton, unginned) cotton (Kapas), Cotton seed or into the protected area known as cotton waste), as notified, in..... at Station for the purpose of.

I/We also beg to apply for a certified copy of the licence (as required by the said Act).

I/We declare that such Cotton/Kapas/Cotton seed Waste is required for the purposes of .... only and will not be otherwise used save under the instructions of the licensing authority.

Reasons why importation is necessary (Reasons should be clearly stated as licences are only issued in cases of proved necessity.)

I/We undertake:—

1. In the event of the Cotton Kapas/Cotton Seed/Waste imported under the said licence proving unsuitable for the purpose for which it is imported to report the matter to the licensing authority and to await his approval to its disposal otherwise before allowing such Cotton/Kapas/Cotton Seed was to leave out premises;

2. That under no circumstances I/We will allow Cotton/Kapas/Cotton seed/Waste imported under the said licence to be used for mixing with, or adulteration of Cotton/Kapas/Cotton seed produced in the protected area for re-export nor will allow it to be re-exported under a misdescription.

3. To return said licence on expiration to the licensing authority together with such details as he may required as to the cotton/kapas/cotton seed/waste imported under it and of its subsequent disposal.

4. I/We have deposited Rs. .... in the treasury (Copy of the challan is attached herewith).

Dated the.....196 .

At.....

Signed

### FORM 'B'

#### Rule 4 (i)

#### Annual General Licence (For Mills)

(Import by rail/road/river)

Licence No..... of 19 .

Licence is hereby granted under the Cotton/Transport Act, 1923 (III of 1923) to..... (hereinafter referred to as the licensee) authorising him/it to import by rail, road or river..... from..... to .....in the protected area of ..... for the purpose manufacture during the period from 1st September, 19 , to the 31st day of August, 19 , subject to the following conditions viz.—

(i) The licensee shall tender a certified copy of this licence with the consignment at the despatching station.

(ii) The licensee shall on the arrival of the consignment deliver a certified copy of this licence to the Officer Incharge of the .....

(iii) Save with the permission of the licensing authority, no cotton imported under this licence shall be used by the licensee for any purpose other than for manufacture.

Date the.....19 .

Licensing Authority.

### FORM B-1

#### Rule (ii)

#### Annual General Licence

(For importation by rail, road or river of full pressed Cotton bales).

Licence No..... of 19 .

Licence is hereby granted under the Cotton Transport Act, 1923 (III of 1923) to..... (hereinafter referred to as the licensee) authorising him/it, to import by rail, road or river full pressed cotton bales from..... to..... in the protected area of..... for sale to a manufacturing concerns; during the period from the 1st day of September, 19.... to 31st day of August, 19 . subject to the following conditions viz.

1. The Licensee shall tender a certified copy of this licence with consignment at the despatching station.

2. The licensee shall on the arrival of the consignment at ..... deliver a certified copy of this licence to.....the officer-in-charge of the.....

3. Save with the permission of the licensing authority, no cotton imported under this licence shall be used by the licensee for any purpose other than for sale to manufacturing concerns.

4. The licensee shall maintain an account of the bales of cotton imported and sold under this licence, and shall on demand, show the bales and account for inspection to the licensing authority.

5. The licensee shall on the 10th day of every month submit to the licensing authority a statement of bales of cotton imported and sold during the preceding month and the bales of cotton held in stock by the Licensee at the end of the said month.

Date.....19

Licensing Authority.

### FORM C

#### Rule 4 (iii)

Licence No. .... of 19

Name of the consigner :

Number of bales :

Description of Cotton :

Signature of the Consigner.  
(Signature of the Station  
Master or of Officer-in-charge  
of the .....at....)

### FORM D

#### Rule 4 (V) (a)

Single Licence (For consignment by rail).

Under the Cotton Transport Act, 1923 (Act III of 1923) licence No.....of 19

Messers.....are granted a licence to import to..... Station situated in the protected area known as notified by G. N..... bales/kilo of (a) from (Station.....for the purpose of.....).

This licence is only valid for one consignment and shall be surrendered to the undersigned, duly endorsed by the Station Master of the Station of delivery on the arrival of consignment.

(a) A certified copy of this licence shall be tendered with the consignment at the despatching station.

(b) Cotton imported under this licence shall not be used for the purposes stated above, save under the instructions of the Licensing Authority.

Dated..... Licensing Authority.

(a) State whether ginned cotton, cotton waste, kapas or cotton seed.

**FORM E**  
**Rule 4 (vi)**

Licence No.....of 19 .

Name of the consigner :

Name of bales :

Description of cotton :

Signature of the consigner.

Signature of Station Master.

**FORM F**  
**Rule 4 (vii) (a)**

Single licence for consignment by road or river under the Cotton Transport Act, 1923.

Messers/Mr.....are/is granted a licence to import to....  
.....situated in the protected area known as.....  
notified by G. N .....bales/kilo of.....from  
.....for the purpose of.....

This licence is only valid for one consignment and shall be surrendered to the Officer-in-charge of the.....on the arrival of the consignment.

(a) Cotton imported under this licence shall not be used except for the purpose stated above, save under the instructions of the Licensing Authority.

Date.....19 .

Licensing Authority.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 1-12-66—Page 414 (13)]



# मानवाधिकार

पुन. ए. अंसारी



**इना श्री पब्लिशर्स**

एस-54, गीजगढ विहार कॉलोनी, हवा सड़क, 22 गोदा  
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